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CANADA

# STATUTORY ORDERS AND REGULATIONS

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CONSOLIDATION, 1955

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VOLUME I  
A to D

Published under authority of the Regulations Act

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1955.

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STATUTORY ORDERS AND  
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VOLUME I

A to D

Published under authority of the Regulations Act

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1955

## FOREWORD

The first Consolidation of Statutory Orders and Regulations was compiled in 1949 and published in 1950. The subsequent publication of the Revised Statutes of Canada, 1952, made it desirable that a new and revised Consolidation of Statutory Orders and Regulations be issued. The present Consolidation is published pursuant to the Regulations Act, which came into force on January 1, 1951, and contains those statutory orders and regulations that were in force on January 1, 1955.

All public and general statutes that confer power to make orders or regulations are listed in this Consolidation. In some cases that power has not been exercised and in others the orders and regulations made thereunder are no longer in effect, but in all such cases the situation is indicated under the name of the statute. The names of statutes that do not confer the power to make regulations have been omitted entirely.

Orders, regulations and by-laws that relate only to one locality or are revised and renewed annually, and certain orders and regulations that are readily available from other official sources, have been excluded, but references to such orders, regulations and by-laws are made and the source from which they may be obtained is indicated. Forms and schedules of a technical character have also been omitted, but the source from which such forms and schedules may be obtained is also indicated.

The material contained in this Consolidation has been compiled and arranged, with the assistance and co-operation of the Government departments and agencies concerned, by the Statutory Orders and Regulations Division of the Privy Council Office.

**Regulations Act—Statutory Orders and Regulations, Consolidation,  
1955**

P.C. 1955-539

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of April, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Right Honourable Louis S. St-Laurent, the Prime Minister, and pursuant to the Regulations Act and the regulations made thereunder, is pleased to order and doth hereby order that a consolidation of all regulations in force on the first day of January, 1955, be published, the said consolidation to be entitled "Statutory Orders and Regulations, Consolidation, 1955".



# STATUTORY ORDERS AND REGULATIONS

In effect on January 1, 1955

## ADMIRALTY ACT (R.S.C., 1952, c. 1)

Section 31 of the Admiralty Act authorizes the Judges of the Exchequer Court from time to time to make general rules and orders for regulating the practice and procedure in causes or matters falling within the admiralty jurisdiction of the Court, for fixing the scale of costs, charges and fees in admiralty causes, etc. Under this authority *General Rules and Orders Regulating the Practice and Procedure in Admiralty Cases in the Exchequer Court* were made on June 2, 1939, approved by Order in Council P.C. 1495 of 22nd June, 1939, and published in the *Canada Gazette* (Supplement) dated July 29, 1939. Copies of these General Rules and Orders may be obtained from the Queen's Printer, Ottawa. Price \$1.00.

## AERONAUTICS ACT. (R.S.C., 1952, c. 2)

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### 1. Air Regulations

P.C. 1954-1821

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 4 of the Aeronautics Act, is pleased to order as follows:

1. The Air Regulations, established by Order in Council P.C. 2575 of 24th May, 1951, are hereby revoked; and

2. The annexed regulations entitled "The Air Regulations" are hereby approved and established in substitution for the Regulations hereby revoked.

**Aeronautics Act—Continued**

## THE AIR REGULATIONS

**Part I**

## GENERAL

*Short Title*

100. These regulations may be cited as the *Air Regulations*.

*Interpretation*

101. In these regulations,

- (1) “acrobatic flight” means manoeuvres intentionally performed by an aircraft, involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;
- (2) “aerodrome” means a defined area of land or water used or intended to be used either wholly or in part for the arrival, departure, movement or servicing of aircraft, (including any buildings, installations and equipment in connection therewith);
- (3) “aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (4) “aircraft” means any machine capable of deriving support in the atmosphere from the reactions of the air;
- (5) “aircraft accident” means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which
  - (a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or
  - (b) the aircraft receives substantial damage or is destroyed;
- (6) “airport” means aerodrome for which, under Part III, an airport licence has been issued by the Minister.
- (7) “airport traffic” means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport;
- (8) “airship” means a power-driven lighter-than-air aircraft;
- (9) “air traffic” means all aircraft in flight and aircraft operating on the manoeuvring area of an aerodrome;
- (10) “air traffic control clearance” means authorization by an air traffic control unit for an aircraft to proceed under specified conditions;
- (11) “air traffic control service” means a service as specified in Part VI, provided for the purpose of
  - (a) preventing collisions
    - (i) between aircraft; and
    - (ii) on the manoeuvring area between aircraft and obstructions, and
  - (b) expediting and maintaining an orderly flow of air traffic;

**Aeronautics Act—continued**

- (12) "air traffic control unit" means
  - (a) an area control centre established to provide air traffic control service to IFR flights;
  - (b) an approach control tower unit established to provide air traffic control service to IFR flights arriving at, or departing from, one or more airports; or
  - (c) an airport control tower unit established to provide air traffic control service to airport traffic;as the circumstances require;
- (13) "alternate airport" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable;
- (14) "balloon" means a motorless lighter-than-air aircraft;
- (15) "Canadian aircraft" means an aircraft registered in Canada under Part II;
- (16) "ceiling" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower;
- (17) "certificate of airworthiness" means a conditional certificate of fitness for flight issued in respect of a particular aircraft under Part II of these regulations or under the laws of the state in which the aircraft is registered;
- (18) "civil aircraft" means any aircraft other than a military aircraft;
- (19) "commercial aircraft" means an aircraft operated or available for operation for hire or reward;
- (20) "commercial air service" means any use of aircraft for hire or reward;
- (21) "contracting state" means a state that is a party to the Convention;
- (22) "control area" means a controlled airspace extending upwards vertically from a specified height above the surface of the earth;
- (23) "controlled airport" means an airport at which an air traffic control unit is provided;
- (24) "controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided;
- (25) "control zone" means a controlled airspace extending upwards vertically from the surface of the earth;
- (26) "Convention" means the Convention on International Civil Aviation signed on behalf of Canada at Chicago on the seventh day of December, 1944;
- (27) "critical engine" means the engine the failure of which gives the most adverse effect on the aircraft characteristics, relative to the aircraft under consideration;
- (28) "cruising altitude" means an altitude, as shown by a constant altimeter indication in relation to a fixed and defined datum, maintained during a flight or portion thereof;



**Aeronautics Act—continued**

- (29) "flight crew member" means a crew member acting as pilot-in-command, co-pilot, flight navigator, or flight engineer of an aircraft during flight time;
- (30) "flight notification" means specified information submitted in accordance with section 534, relative to the intended flight of an aircraft;
- (31) "flight plan" means specified information submitted in accordance with section 534 or 551, relative to the intended flight of an aircraft;
- (32) "flight time" means the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;
- (33) "flight visibility" means the average range of visibility at any given time forward from the cockpit of an aircraft in flight;
- (34) "glider" means a motorless heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (35) "ground visibility" means the visibility at an airport, as reported by an observer accredited by the Minister for the purpose;
- (36) "heavier-than-air aircraft" means any aircraft deriving its lift in flight from aerodynamic forces;
- (37) "helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes;
- (38) "instrument flight rules" means the rules set forth in Part V of these regulations and the orders and directions made by the Minister thereunder;
- (39) "IFR" means the instrument flight rules;
- (40) "IFR weather conditions" means weather conditions below the minimum prescribed for flights under visual flight rules (VFR);
- (41) "IFR flight" means a flight conducted in accordance with the instrument flight rules;
- (42) "issue", in relation to any document, includes any renewal, endorsement or validation thereof as provided in these regulations, and "issued" has a corresponding meaning;
- (43) "landing", in relation to an aircraft, means the act of coming into contact with a supporting surface, and includes the immediately preceding and following acts, and in relation to an airship or free balloon means the act of bringing the airship or balloon under restraint, and includes the immediately preceding and following acts;
- (44) "lighter-than-air aircraft" means any aircraft supported by its buoyancy in the air;
- (45) "magnetic track" means the angle measured clockwise from magnetic North to the path followed by an aircraft over the earth;
- (46) "making way" means the state of being under way on the surface of the water and having a velocity relative to such surface;

**Aeronautics Act—continued**

- (47) "manoeuvring area" means that part of an airport ordinarily used for the taking off and landing of aircraft and for the movement of aircraft associated with take-off and landing;
- (48) "Minister" means the Minister as defined in the *Aeronautics Act*;
- (49) "night", within Canada, means the period of time between the end of Evening Civil Twilight and the beginning of Morning Civil Twilight, but commencing not less than one-half hour after sunset and ending not less than one-half hour before sunrise;
- (50) "operator", with reference to an aircraft, means the person in possession of the aircraft, whether as owner, lessee, hirer, or otherwise; and with reference to an airport, means the holder of the airport licence, or the person in charge of such airport, whether as employee, agent or representative of the holder of such licence;
- (51) "overtaking aircraft" means an aircraft that is approaching another from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter; i.e. is in such a position with reference to the other aircraft that at night it is not ordinarily possible to see either of the aircraft's forward lights;
- (52) "owner", with reference to an aircraft, includes
  - (a) the person in whose name the aircraft is registered,
  - (b) a person in possession of the aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions, and
  - (c) a person in possession of the aircraft under a *bona fide* lease or agreement of hire;
- (53) "pilot-in-command" means the pilot responsible for the operation and safety of the aircraft during flight time;
- (54) "private aircraft" means a civil aircraft other than a commercial aircraft or a state aircraft;
- (55) "state aircraft" means a civil aircraft owned by and exclusively used in the service of Her Majesty in right of Canada or in right of any province;
- (56) "taking off", in relation to an aircraft, means the act of abandoning a supporting surface and includes the immediately preceding and following acts, and in relation to an airship or balloon means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts;
- (57) "under control" means the state of being manoeuvrable in accordance with these regulations or the regulations under the *Canada Shipping Act* for preventing collisions at sea;
- (58) "under way" means the state of being on the surface of the water but not moored or fastened to any fixed object on the land or in the water;
- (59) "VFR" means the visual flight rules;
- (60) "VFR flight" means a flight conducted in accordance with the visual flight rules, and "special VFR flight" means a flight conducted in accordance with directions issued by the Minister under section 503;

**Aeronautics Act—continued**

- (61) "VFR weather conditions" means weather conditions equal to or above the minima prescribed for flight under the visual flight rules;
- (62) "visibility" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects may be identified by night; and
- (63) "visual flight rules" means the rules set forth in Part V of these regulations and the orders and directions made by the Minister thereunder.

*Application*

102. (1) Except as provided in this Part, these regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada.

- (2) These regulations do not apply in respect of
  - (a) a military aircraft of Her Majesty when manœuvring under the authority of the Minister of National Defence, or
  - (b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these regulations.

(3) These regulations do not apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, insofar as they are inconsistent with or repugnant to the laws and procedures of such other country.

(4) The Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of these regulations or any portion thereof.

103. For the purposes of these regulations a state aircraft shall be deemed to be a commercial aircraft.

**Part II**

## REGISTRATION, CERTIFICATION AND MARKING

## DIVISION I

*Aircraft Registration*

200. No person shall fly an aircraft in Canada unless it is registered

- (a) under this Part, or
- (b) under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying.

201. The Minister shall cause a register of aircraft to be maintained in which shall be entered the names of the owner or owners of every aircraft registered under this Part and such other particulars concerning the aircraft as the Minister directs.

202. Subject to this Part, the Minister may direct that no aircraft shall be registered under this Part except upon application for registration of the aircraft in such form as may be prescribed by the Minister and except upon such terms and conditions as may be prescribed by him.



**Aeronautics Act—continued**

203. The Minister may, subject to this Part, register any aircraft under this Part as a commercial aircraft, private aircraft or state aircraft.

204. (1) No aircraft shall be registered under this Part unless,

- (a) it is a state aircraft or is owned exclusively by a person qualified under subsection (2) to be the registered owner of a Canadian aircraft;
- (b) there is in force in respect of the aircraft a certificate of airworthiness issued under this Part, or permission in writing has been granted by the Minister to operate the aircraft for purposes of experimentation, test or demonstration;
- (c) all duties due and payable under the laws of Canada in respect of the importation of the aircraft into Canada have been paid; and
- (d) the aircraft is not registered elsewhere than in Canada.

(2) For the purposes of paragraph (a) subsection (1), a person is qualified to be the registered owner of a Canadian aircraft who is

- (a) a Canadian citizen,
- (b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than five years,
- (c) a corporation incorporated under the laws of Canada or any province, the chairman or acting chairman and at least two-thirds of the directors of which are Canadian citizens, or
- (d) in the case only of a private aircraft, a citizen or subject of a contracting state that grants reciprocal privileges under like terms to Canadian citizens.

205. Notwithstanding anything in this Part, an aircraft that is the subject of a conditional sale or hire-purchase agreement that reserves to the vendor the title of the aircraft until payment in full of the purchase price or the satisfaction of some other condition may be registered in the name of the purchaser as owner of the aircraft, if such purchaser is qualified under section 204 to be the registered owner of a Canadian aircraft.

206. Upon the registration of an aircraft under this Part a registration mark and certificate of registration shall be issued and delivered to the owner as prescribed by the Minister.

207. (1) Where any Canadian aircraft is destroyed or permanently withdrawn from use, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration of the aircraft shall be deemed to have been cancelled as of the date of such notification.

(2) Where the ownership of a Canadian aircraft is changed, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration shall be deemed to have been cancelled as of the date of such change of ownership, but the nationality and registration marks shall not be altered unless the aircraft is subsequently registered in a country other than Canada.

(3) The Minister may at any time cancel the registration of any aircraft under this Part.



**Aeronautics Act—continued**

208. Where a Canadian aircraft that is a private aircraft is owned by any person other than a Canadian citizen or a corporation mentioned in paragraph (c) of subsection (2) of section 204, no person shall

- (a) operate the aircraft from a base outside Canada for an aggregate period of more than six months in any period of twelve months; or
- (b) fly the aircraft in any country other than Canada or the country of which the registered owner is a citizen or subject.

209. No person shall operate any aircraft in Canada for an aggregate period of more than six months in any period of twelve months unless the aircraft is registered under this Part.

## DIVISION II

*Aircraft Airworthiness*

210. No person shall fly or attempt to fly an aircraft unless

- (a) there is in force in respect of the aircraft a certificate of airworthiness issued under this Part or under the laws of the country in which the aircraft is registered, or
- (b) written permission has been granted by the Minister to operate the aircraft for purposes of experimentation, test or demonstration;

and unless all conditions upon which the certificate was issued or the permission was granted have been complied with.

211 (1) The Minister may establish standards of airworthiness for aircraft, including requirements in respect of the design, construction, weight, instruments and equipment of the aircraft and any other matter relating to the safety of such aircraft.

(2) The Minister, upon being satisfied that an aircraft conforms to the standards of airworthiness established in respect of that aircraft, may issue a certificate, to be known as a certificate of airworthiness, in a form prescribed by the Minister, and may renew an existing certificate of airworthiness by an endorsement thereon.

(3) A certificate of airworthiness issued under this Part shall contain such conditions relating to the equipment, maintenance and operation of the aircraft as may be prescribed by the Minister, and the conditions so prescribed may be amended at any time by the Minister.

(4) The Minister may at any time inspect or cause to be inspected any aircraft in respect of which a certificate of airworthiness has been issued under this Part.

212. The Minister may, if he has reason to believe that an aircraft is unsafe for flying, suspend the certificate of airworthiness issued in respect of that aircraft.

213. The Minister may cancel or suspend a certificate of airworthiness at any time when, in his opinion, such cancellation or suspension is necessary or advisable having regard to the safety of aerial navigation.

214. An aircraft type approval may be issued by the Minister in respect of any type of aircraft that in his opinion complies with standards of airworthiness approved or established by the Minister.

**Aeronautics Act—continued**

215. (1) A certificate of airworthiness is not in force at the time of any flight unless,

- (a) in the case of an aircraft used for the purpose of a scheduled commercial air service,
  - (i) a system of inspection and maintenance approved by the Minister has been followed, or
  - (ii) the aircraft has been inspected and certified as airworthy by a qualified aircraft maintenance engineer within twenty-four hours elapsed time prior to the flight; and

- (b) in the case of an aircraft used for a purpose other than a scheduled commercial air service the aircraft has been maintained in an airworthy condition in accordance with the recommendations and instructions approved by the Minister for the servicing, maintenance, repair and overhaul of the aircraft, and, in addition, has been certified as airworthy in the aircraft log book by a qualified aircraft maintenance engineer during the fifty hours of flight time preceding the flight, or, in any event, during the six months preceding the flight.

(2) A certificate of airworthiness is not in force during any period of major repairs or major modifications or under such other circumstances as may be specified by the Minister, and does not come into force thereafter except after inspection and certification of the aircraft in accordance with any directions of the Minister in that behalf.

216. The Minister may prescribe such additional requirements in respect of the equipment and maintenance of any aircraft as he considers necessary by reason of the conditions under which the aircraft is operated.

217. No person shall fly or attempt to fly any aircraft unless

- (a) the weight of the aircraft and its load does not exceed the maximum permissible weight specified in the certificate of airworthiness;
- (b) the load is properly disposed of in accordance with the conditions of the certificate of airworthiness;
- (c) the equipment and any cargo carried are secured so as to prevent shifting in flight and are not so placed as to block or restrict the exit of passengers in an emergency;
- (d) the required emergency equipment is carried on board and is in good condition; and
- (e) the aircraft is safe and fit in all respects for the intended flight.

### DIVISION III

#### *Nationality and Registration Marks*

218. (1) No person shall fly or attempt to fly an aircraft unless its nationality and registration marks are painted on or affixed to the aircraft in the manner prescribed by the laws of the state in which the aircraft is registered, and are clean and visible.

(2) The nationality and registration marks of a Canadian aircraft shall be painted on or affixed to the aircraft as may be directed by the Minister.

**Aeronautics Act—continued**

219. Every aircraft shall carry a fireproof identification plate inscribed with its nationality and registration marks, which plate shall be secured in a prominent position near the main entrance to the aircraft.

220. The nationality mark of a Canadian aircraft shall be a combination of two capital letters, and the registration mark shall be a combination of three capital letters, as specified by the Minister.

**Part III****AERODROMES**

300. No area of land or water shall be used as an airport unless it has been licensed as such as provided in this Part.

301. The Minister may issue in respect of any aerodrome that contains such installations and equipment for the arrival, departure, movement or servicing of aircraft as are specified by him, a licence, to be known as an airport licence, entitling the person named therein to operate the aerodrome as an airport.

302. Every airport licence shall be in such form as the Minister prescribes and shall contain such conditions relating to the installation, equipment, maintenance, lighting, marking, use and operation of the airport as the Minister deems necessary, and the conditions so contained in the licence may be amended at any time by the Minister.

303. Subject to these regulations, the Minister may prescribe the conditions upon which airport licences may be issued and the form of applications for airport licences.

304. The Minister may cancel or suspend an airport licence at any time for any reason that to him seems sufficient.

305. The holder of an airport licence shall

- (a) comply with all conditions of issue of such licence; and
- (b) keep the licence and a copy of the tariff of fees prescribed or approved for the airport displayed in a prominent place at the airport;

306. An airport licence is not valid after fourteen days from the date of any change in the ownership of the airport in respect of which it was issued, unless sooner renewed by the Minister.

307. No person shall knowingly use any airport for any purpose contrary to the conditions of issue of the airport licence.

308. State aircraft shall be permitted the use of any airport and its facilities at all reasonable times, subject to the conditions of issue of the airport licence.

309. As soon as possible after landing at any airport, the pilot-in-command of the aircraft shall report or cause to be reported the fact of such landing to the operator of the airport or his accredited representative.

310. Every airport and all aircraft using the airport are subject at all times to inspection by the Minister or any person thereto authorized by



**Aeronautics Act—continued**

him, but no building used exclusively for purposes relating to the construction or design of aircraft or aircraft equipment is subject to inspection by any such person except upon the written order of the Minister.

311. The Minister may make directions

- (a) prescribing the marks and lights to be displayed by day and by night at any aerodrome;
- (b) prescribing or approving the fees that may be charged for the use of any airport or its facilities; and
- (c) prescribing such other conditions as he deems necessary respecting the operation of any aerodrome.

312. During daytime periods of poor visibility, lights used for the night lighting of aerodromes shall be operated whenever possible and insofar as may be necessary under the circumstances.

313. No person shall

- (a) walk or stand, or drive or park any vehicle, on any part of an airport used for the movement of aircraft except in accordance with permission given by the appropriate air traffic control unit or, in the absence of any such unit, by the operator of the airport;
- (b) operate any vessel on or cause any floating or other obstruction on the surface of any part of the water area of an airport that is necessary for the safe and proper navigation of aircraft to be kept clear of obstructions, when warned off, by signal or otherwise, by the appropriate air traffic control unit or other person as provided in paragraph (a);
- (c) mark or display at any place other than an aerodrome any mark, light or signal calculated or likely to induce any person to believe that the place is an aerodrome;
- (d) exhibit at or in the vicinity of an aerodrome any light or signal which may endanger the safety of aircraft by reason of glare or by causing confusion with or preventing clear visual reception of any light or signal prescribed by these regulations; or
- (e) knowingly remove, deface, extinguish or interfere with any light or signal used for the purpose of air navigation.

314. The operator of an airport may remove or cause to be removed from the water surface of the airport any logs or any other floating obstruction or obstacle that, in his opinion, constitutes a menace to the safe operation of aircraft at or in the vicinity of the airport, and may convey or cause to be conveyed such logs or other thing causing or forming part of such obstruction or obstacle to such convenient place as he deems suitable and proper.

315. The use of any licensed or unlicensed area for landing or taking off an aircraft is *prima facie* proof of the acceptance by the pilot-in-command of the aircraft of the suitability of that area for the intended operation.



**Aeronautics Act—continued****Part IV****PERSONNEL LICENSING**

400. Except as provided in this Part, no person shall fly or attempt to fly as a flight crew member of an aircraft unless he is the holder of a valid and subsisting licence or permit appropriate to his duties, issued under this Part.

401. Except as otherwise directed by the Minister, a person is entitled to fly as a flight crew member of an aircraft registered in a contracting state if he is the holder of a licence or permit appropriate to his duties issued or validated under the laws of that state.

402. The Minister may direct that no person shall perform or attempt to perform duties, other than duties of a flight crew member, of a kind specified by the Minister, that affect or may affect the safety of any aircraft, unless that person is the holder of a licence appropriate to his duties, issued under this Part.

403. The Minister may make directions specifying

- (a) the various classes of licences and permits that may be issued under this Part;
- (b) the duties and functions that may be carried out by the holder of a licence or permit of any class;
- (c) the kinds of aircraft and the types of aircraft operations in which the privileges attaching to licences or permits of flight crew members may be exercised;
- (d) the qualifications as to age, physical condition, knowledge, experience and skill of persons to whom licences or permits may be issued under this Part;
- (e) the nature of the examinations or tests to be undergone and information to be submitted by any person applying to have a licence or permit issued, renewed or validated or to have the conditions or privileges of a licence or permit varied; and
- (f) such other conditions and limitations as the Minister deems advisable affecting the privileges attaching to licences or permits issued under this Part.

404. The Minister may, upon being satisfied as to the qualifications of any applicant,

- (a) issue to the applicant a licence or permit appropriate to his qualifications, in a form prescribed by the Minister;
- (b) issue to the applicant a document, in a form prescribed by the Minister, validating in Canada any licence appropriate to the qualifications of the applicant, held by the applicant under the laws of a contracting state or a country that is a party to an agreement entered into with Canada relating to interstate flying; or
- (c) enter on any licence or permit held by the applicant an endorsement extending to the applicant the privilege of performing additional duties or functions appropriate to his qualifications.

**Aeronautics Act—continued**

405. No licence or permit shall be issued to a person and no licence held by a person shall be validated under this Part unless that person is

- (a) a Canadian citizen;
- (b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than five years; or
- (c) a citizen or subject of a contracting state that grants like privileges to Canadian citizens on equal terms and conditions as citizens or subjects of that state.

406. A licence, permit or document validating any licence issued under this Part may contain such conditions as the Minister prescribes, and the conditions may be amended at any time by the Minister.

407. The Minister may at any time for any reason that to him seems sufficient cancel or suspend a licence, permit or document validating any licence issued under this Part.

408. No person shall fly or attempt to fly as a flight crew member of an aircraft, or otherwise act or attempt to act in the capacity in which a licence issued or validated under this Part entitles him to act,

- (a) if he is aware of being under any physical disability that might render him unable to meet the requirements as to physical condition for the issue or renewal of the licence;
- (b) while his ability so to act is impaired by alcohol or a drug;
- (c) during any period for which his licence or the document validating his licence has been suspended; or
- (d) after his licence or the document validating his licence has been cancelled or has expired.

**Part V**

**RULES OF THE AIR**

**DIVISION I**

500. All Canadian aircraft in flight over the high seas shall comply with the Rules Of The Air contained in Annex 2 to the Convention as amended from time to time.

**DIVISION II**

*General Rules*

501. The pilot-in-command of an aircraft, prior to the commencement of any flight, shall ascertain whether the conditions of flight are such as to enable the flight to be conducted in accordance with the visual flight rules.

502. In any case where the pilot-in-command of an aircraft ascertains that the conditions of flight are not such as to enable the flight to be conducted in accordance with the visual flight rules, the flight shall be conducted in accordance with the instrument flight rules.

**Aeronautics Act—continued**

503. When so directed by the Minister, visual flights may be conducted within control zones under IFR weather conditions without complying with the instrument flight rules.

504. Prior to the commencement of any flight the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.

505. The pilot-in-command of an aircraft shall comply with all air traffic control clearances or instructions received by him.

506. When so directed by the Minister, aircraft flown at night within controlled airspace shall comply with the instrument flight rules.

507. No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

508. (1) Subject to this section, the Minister may make directions prohibiting or restricting the navigation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by him.

(2) No aircraft shall be flown over

(a) any penitentiary, as defined in the *Penitentiary Act*, or

(b) any area specified by direction of the Minister as an area over which the navigation of aircraft is prohibited,

or so near thereto that the angle between the perpendicular and a line from the aircraft to the nearest point of such area is less than twenty degrees, except with the permission of the Minister and subject to such terms and conditions as may be specified by the Minister.

509. No object shall be towed by any aircraft, except in accordance with such conditions as may be specified by the Minister.

510. Parachute descents, other than emergency descents, shall not be made in controlled airspace except in accordance with the written authorization of the Minister.

511. No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent, or give upon any aircraft in flight any gymnastic or other like exhibition.

512. No aircraft shall be flown in any acrobatic flight

(a) so as to endanger or be likely to endanger air traffic in the vicinity of the aircraft;

(b) over any urban or other populous area; or

(c) within any airway or air route designated as such by the Minister.

513. No aircraft shall be flown in any acrobatic flight or exhibition flight over any assembly of persons except in accordance with the written authorization of the Minister.

514. No person in any aircraft shall execute any acrobatic flying unless he is the sole occupant of the aircraft or is a flying instructor authorized in accordance with these regulations to engage in giving dual flying instructions.



**Aeronautics Act—continued**

515. No aircraft shall be operated in such a negligent or reckless manner as to endanger or be likely to endanger the life or property of any person.

516. The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister, except that an air traffic control unit may authorize a turn or partial turn to the right when desirable in specific instances;
- (d) land and take off, insofar as practicable into the wind unless otherwise authorized by the appropriate air traffic control unit;
- (e) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means in any case where an air traffic control unit is in operation; and
- (f) obtain, either by radio or by visual signal, such authorization for his movements from the appropriate air traffic control unit, if any such unit is in operation, as may be necessary for the protection of airport traffic.

517. No person shall fly an aircraft at a height of less than two thousand feet over an aerodrome except for the purpose of landing or taking off or except as otherwise directed by an air traffic control unit.

518. No aircraft shall be flown in such proximity to any other aircraft as to create a collision hazard.

519. No aircraft shall be flown in formation except by pre-arrangement between the pilots-in-command of such aircraft and, within any control zone, between the pilots-in-command of such aircraft and the appropriate air traffic control unit.

520. When two aircraft are on converging courses at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons;
- (d) power-driven aircraft shall give way to aircraft that are seen to be towing aircraft or other objects.

521. The aircraft that has the right-of-way shall maintain its course and speed, but nothing in this Part relieves the pilot-in-command of any aircraft from the responsibility of taking such action as is necessary to avoid collision; any aircraft that is required to keep out of the way of another shall avoid passing over or under, or crossing ahead of the other unless passing or crossing well clear of it.



**Aeronautics Act—continued**

522. When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.

523. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from the obligation so to alter its course until it is entirely past and clear of the other.

524. Aircraft in flight or manœuvring on the ground or water shall give way to other aircraft landing or about to land.

525. Where two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this requirement to manœuvre in front of another aircraft that is about to land, or to overtake that aircraft; power-driven heavier-than-air aircraft shall give way to gliders where both such aircraft are approaching an airport for the purpose of landing.

526. No aircraft shall take off or attempt to take off until such time as there is no apparent risk of collision with any other aircraft.

527. Where the pilot-in-command of an aircraft is aware that another aircraft is compelled to land, he shall give way to such other aircraft.

528. Where the pilot-in-command of an aircraft declares that an emergency situation exists as a result of which it is necessary for the appropriate air traffic control unit to give priority to such aircraft, the pilot-in-command shall make a full report of the situation to such air traffic control unit within forty-eight hours thereafter.

529. Except when taking off or landing or except as specifically authorized by the Minister, aircraft shall not be flown

- (a) over the built-up areas of cities, towns or other settlements or over an open-air assembly of persons, except at altitudes that will permit, in the event of an emergency, the landing of the aircraft without undue hazard to persons or property on the surface; such altitudes shall not in any case be less than one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft; and
- (b) elsewhere than over any area mentioned in paragraph (a), except at altitudes of not less than five hundred feet above the surface of the ground or water, unless such flight may be made without undue hazard to persons or property on the surface.

530. An aircraft in level cruising flight at one thousand feet or more above the surface of the ground or water shall maintain the following cruising altitudes:

- (a) within controlled airspace, such altitude appropriate to the direction of flight as is prescribed by the Minister; and
- (b) elsewhere than within controlled airspace, such altitude appropriate to the magnetic track as is prescribed by the Minister.

**Aeronautics Act—continued**

531. The pilot-in-command of an aircraft on the water shall,

- (a) when on the waters of the Great Lakes, their connecting and tributary waters and on the Ottawa and St. Lawrence rivers and their tributaries as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, comply with the "Rules of the Road for the Great Lakes" established pursuant to the *Canada Shipping Act*; and
- (b) When on any other inland waters in Canada or on the high seas, comply with the "Regulations for Preventing Collisions at Sea" established pursuant to that Act.

532. (1) When two aircraft or an aircraft and a vessel are approaching one another on the water and there is a risk of collision, the aircraft in question shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(2) An aircraft on the water that has another aircraft or a vessel on its right shall give way so as to keep well clear.

(3) An aircraft on the water approaching another aircraft or a vessel head-on, or approximately so, shall alter its heading to the right so as to keep well clear.

(4) The aircraft or vessel on the water that is being overtaken has the right of way, and the one overtaking shall alter its heading to keep well clear.

(5) Aircraft landing on or taking off from the water shall, insofar as practicable, keep well clear of all vessels and avoid impeding their navigation.

533. By night, at airports used or available for night flying, aircraft parked or being moved on the manoeuvring area or in proximity thereto shall be clearly illuminated or lighted, or the area that they occupy marked with obstruction lights; between sunset and sunrise an aircraft on the water and not under way shall display where it can best be seen a white light visible in all directions on the horizon at a distance of at least one mile unless within any area specifically exempted by the Minister.

534. The pilot-in-command of any aircraft shall, in accordance with any direction of the Minister in that behalf,

- (a) submit a flight plan to the appropriate air traffic control unit prior to the commencement of any VFR flight; and
- (b) submit a flight notification to a responsible person prior to the commencement of any flight for which no flight plan is required by these regulations.

535. No person shall knowingly submit any flight plan or flight notification as required by these regulations that contains any false or misleading statement or matter, or that is calculated to deceive any person to whom it is so required to be submitted.

536. Where any flight is made in deviation from a VFR flight plan or a flight notification, the pilot-in-command of the aircraft shall, as soon as practicable, notify the person or agency with whom the flight plan or flight notification was filed of such deviation.

**Aeronautics Act—continued**

537. The pilot-in-command of an aircraft for which a VFR flight plan or a flight notification has been filed shall report his arrival, as soon as possible after landing, to the person or agency with whom the flight plan or flight notification was filed, unless such person or agency was previously notified that no arrival report would be filed.

538. No single-engined landplane shall be operated over water beyond gliding distance from shore except as authorized by the Minister, nor shall any flight be commenced in any single-engined aircraft with intent that the flight should be a transoceanic flight; multi-engined landplanes unable to maintain flight in the event of failure of the critical engine shall be deemed to be single-engined landplanes for the purpose of this section.

## DIVISION III

*Visual Flight Rules (VFR)*

539. In controlled airspace no flight being made in accordance with the visual flight rules shall be continued in accordance with the instrument flight rules except with the authority of the appropriate air traffic control unit.

540. When operated in accordance with the visual flight rules, aircraft shall be flown with visual reference to the ground or water unless otherwise authorized by the appropriate air traffic control unit in accordance with any directions of the Minister in that behalf.

541. VFR flights within controlled airspace and elsewhere shall be made in accordance with such VFR flight minima as may be directed by the Minister.

542. The amount of fuel and oil carried on board any aircraft at the commencement of any VFR flight shall be sufficient, anticipated wind and other weather conditions having been considered, to fly to the place of intended landing and thereafter for forty-five minutes at normal cruising speed.

543. No aircraft shall be flown under simulated instrument flight conditions unless,

- (a) the aircraft is equipped with fully functioning dual controls; and
- (b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument flight conditions; the safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which his field of vision adequately supplements that of the safety pilot.

## DIVISION IV

*Instrument Flight Rules (IFR)*

544. In controlled airspace all flights being made in accordance with the instrument flight rules shall continue in accordance with the instrument flight rules, regardless of weather conditions, unless and until such time as the appropriate air traffic control unit is notified to the contrary.



**Aeronautics Act—continued**

545. The pilot-in-command of an aircraft may elect to conduct a flight under the instrument flight rules in conditions of visibility and distance from cloud equal to or better than VFR minima.

546. For the purposes of any IFR flight,

- (a) the pilot of the aircraft shall possess such special qualifications as may be directed by the Minister; and
- (b) the aircraft shall be equipped with such instruments and radio apparatus as may be directed by the Minister.

547. (1) Except as directed by the Minister, no IFR flight shall be commenced unless, wind and other anticipated meteorological conditions having been considered, sufficient fuel and oil are carried to fly to the airport of intended landing, thence to an alternate airport and thereafter for forty-five minutes at normal cruising speed.

(2) The provisions of subsection (1) respecting alternate airports do not apply to flights confined to areas in the vicinity of an airport.

548. Where there are indications that traffic delays may be encountered, such quantities of fuel and oil as may be necessary in addition to the minima required by this Division shall be carried to meet such conditions.

549. The weather operating minima in respect of any airport as specified in the "Canada Air Pilot" issued under the authority of the Minister or elsewhere specified and duly approved by the Minister, apply in respect of all landings and take-offs made in accordance with the instrument flight rules at that airport.

550. Except when taking off or landing, or except as specifically authorized by the Minister, aircraft in IFR flight shall not be flown except at altitudes of at least one thousand feet above the highest obstacle located within a horizontal radius of five miles from the estimated position of the aircraft in flight, but the Minister may direct that flights over any area specified by him shall not be conducted except at such higher minima altitude as may be specified by him.

551. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, a flight plan for the flight containing such information as may be specified by the Minister shall be submitted by the pilot-in-command of the aircraft to the appropriate air traffic control unit.

(2) Except as otherwise authorized by the Minister, no IFR flight shall be made in controlled airspace unless the flight plan as submitted includes an alternate airport having a landing area suitable for use by the aircraft in question.

(3) A particular alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at that alternate airport will, at the expected time of arrival, be at or above such minima as may be specified by the Minister.

552. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, an air traffic control clearance based on the flight plan shall be obtained from the appropriate air traffic control unit, and the aircraft shall be flown in accordance with such clearance, and, unless otherwise authorized by the appropriate air traffic control unit, shall follow the instrument approach procedures approved for the airport to be used.



**Aeronautics Act—continued**

(2) No deviations shall be made from the requirements of any air traffic control clearance except in an emergency that necessitates immediate action, in which case, as soon as possible after any action has been taken in connection with such emergency, the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended clearance.

553. (1) Subject to subsection (2), no aircraft shall be flown in accordance with the instrument flight rules within controlled airspace unless a continuous listening watch is maintained on the appropriate radio frequency of the air traffic control unit concerned and two-way communication is established therewith.

(2) If unable to maintain two-way radio communication as required by subsection (1), the pilot-in-command of the aircraft shall comply with such alternative procedures as may be directed by the Minister.

554. (1) During IFR flight, position reports to the appropriate air traffic control unit shall be made over such reporting points as are designated by the Minister and over such other reporting points as are specified by the appropriate air traffic control unit; in the absence of reporting points designated by the Minister, position reports to the air traffic control unit shall be made at such intervals and at such locations as are specified by such unit.

(2) All position reports required by subsection (1) shall contain such information and shall be made in such manner as may be directed by the Minister.

555. IFR flights shall be made at the following cruising altitudes:

- (a) within controlled airspace, at an altitude approved by the appropriate air traffic control unit; and
- (b) elsewhere, subject to this Part, at such altitude above sea level appropriate to the magnetic track as may be directed by the Minister.

556. The pilot-in-command of an aircraft making an IFR flight for which a flight plan has been submitted shall report his arrival to the appropriate air traffic control unit as soon as possible after landing.

**DIVISION V***Lights and Visual Signals*

557. In this Division, “visible”, in relation to any light or signal, means visible on a dark night in a clear atmosphere.

558. (1) By night all heavier-than-air aircraft in flight or manœuvring on the ground and between sunset and sunrise all aircraft under way on the water shall display the following lights:

- (a) a forward red light displayed on the left side and a forward green light on the right side, either steady or flashing, each showing an unobstructed light between two vertical planes whose dihedral angle is  $110^\circ$  when measured to the left and right respectively of the aircraft from dead ahead; such forward lights shall be spaced laterally as far apart as practicable and shall be visible at a distance of at least five miles; and

**Aeronautics Act—continued**

- (b) a rear steady white light, or flashing white, or alternating white and red, displayed as far aft as possible, showing between two vertical planes a light visible aft throughout a dihedral angle of  $140^\circ$  bisected by a vertical plane through the longitudinal axis of the aircraft, such light to be visible at a distance of at least three miles.

(2) By night all aircraft, other than heavier-than-air aircraft, in flight or manoeuvring on the ground and between sunset and sunrise all seaplanes and other amphibian aircraft on the surface of the water but not under way shall display such lights as may be prescribed by the Minister.

(3) No lights other than those prescribed by this section shall be displayed by any aircraft that might be mistaken for the lights so prescribed.

559. Distress and urgency signals shall be given in accordance with such directions as may be issued by the Minister, but nothing in this section shall be held to prevent the use by a member of the flight crew of an aircraft in distress of any means at his disposal to attract attention and to make known the position of the aircraft and obtain help.

560. No light signal or ground marking for the control of air traffic shall be given or displayed at any airport except by the appropriate air traffic control unit or, if no such unit is in operation, by a person thereto authorized by the Minister, and no such signal or marking shall be given or displayed except as prescribed by section 561.

561. (1) Directional light signal to aircraft in flight shall be given as follows:

- (a) a steady green light means "CLEARED TO LAND";
- (b) a steady red light means "GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING";
- (c) a series of green flashes means "RETURN FOR LANDING"; and shall be followed at the proper time by a steady green light; and
- (d) a series of red flashes means "AIRPORT UNSAFE; DO NOT LAND".

(2) Directional light signals to aircraft on the manoeuvring area of an aerodrome shall be given as follows:

- (a) a steady green light means "CLEARED FOR TAKE-OFF";
- (b) a steady red light means "STOP";
- (c) a series of green flashes means "CLEARED TO TAXI;
- (d) a series of red flashes means "TAXI CLEAR OF LANDING AREA IN USE"; and
- (e) a flashing white light means "RETURN TO STARTING POINT ON AIRPORT".

(3) The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means "DO NOT LAND FOR THE TIME BEING".

(4) By day or by night a series of projectiles discharged at intervals of ten seconds, each showing on bursting, red and green lights or stars, means: "YOU ARE IN THE VICINITY OF A PROHIBITED DANGER OR RESTRICTED AREA, ALTER COURSE".

**Aeronautics Act—continued**

(5) Ground markings displayed for the control of air traffic at any aerodrome or other area on the land or water shall be in accordance with such directions as may be issued by the Minister.

562. The pilot-in-command of an aircraft in respect of which any light signal or ground marking is given or displayed as prescribed by section 561 shall comply with such signal or marking according to its meaning.

**Part VI****AIR TRAFFIC CONTROL**

600. The Minister may, subject to these regulations, make such directions as he deems necessary

- (a) respecting the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and
- (b) respecting the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

601. Any person who, by virtue of his employment in association with the movement of air traffic, is under a duty to forward information received by him to an appropriate air traffic control unit shall, immediately upon receipt of the information or as soon thereafter as possible, forward such information to the appropriate air traffic control unit.

**Part VII****COMMERCIAL AIR SERVICE OPERATIONS**

700. No person shall operate in Canada any commercial air service unless he holds a valid and subsisting certificate issued by the Minister certifying that the holder thereof is adequately equipped and able to conduct a safe operation as an air carrier over a prescribed route or in a prescribed area.

701. Every certificate issued under this Part shall be in such form as the Minister prescribes and shall contain such special terms and conditions for the safe and proper operation of the service as the Minister deems necessary.

702. Subject to these regulations, no person shall operate any commercial air service except in accordance with such standards for the safe and proper operation of the service as may be prescribed by the Minister.

703. A certificate issued under this Part may be suspended or cancelled by the Minister in the event of the failure of the person to whom it is issued to conduct the service in a safe and proper manner or to maintain the equipment required in connection with the operation of the service.

704. Every owner of a commercial aircraft shall make such returns and furnish such particulars to the Minister in connection with the aircraft as the Minister may prescribe.



**Aeronautics Act—continued**

705. The Minister may at any time inspect and examine the premises, aircraft and other equipment belonging to or used in connection with any commercial air service and may make such inquiries into the manner of conducting any commercial air service as he deems necessary for purposes of this Part.

**Part VIII****DIVISION I***Miscellaneous Provisions*

800. (1) Explosives and other dangerous articles or substances shall not be carried on board any aircraft except as authorized by the Minister.

(2) No person shall send or take upon an aircraft any explosives or other dangerous articles or substances without distinctly marking their nature on the outside of the containers thereof or otherwise giving notice thereof to the person in charge of the aircraft, or the person whose duty it is to receive such goods on board.

(3) No aircraft carrying explosives or other dangerous articles or substances shall carry any passenger other than the owner of such goods or his accredited representative.

(4) Subsection (3) does not apply in respect of ammunition ordinarily used for hunting or sporting purposes or as emergency equipment, and subsections (1) to (3) do not apply in respect of explosives or other dangerous articles or substances necessary for the operation of the aircraft or for the safety of crew members or passengers on board.

801. The engine or engines of any aircraft shall not be started unless the pilot's seat is occupied by a person competent to control the aircraft or unless the aircraft is prevented from moving forward, and the engines shall not be left running unless the pilot's seat is occupied by a person competent to control the aircraft.

802. No aircraft carrying passengers shall take off or land by night at an unlighted aerodrome.

803. (1) The pilot-in-command of an aircraft who is given a signal to land, in a form prescribed by the Minister, or given any instruction to land shall, subject to any direction given by any air traffic control unit, forthwith land the aircraft in accordance with the signal or instruction.

(2) For the purposes of subsection (1), a signal or instruction to land may be given by a peace officer, an officer of customs or immigration, an officer of the Royal Canadian Air Force acting within the scope of his duty or any person thereto authorized by the Minister.

(3) No person shall give any signal or instruction to land as provided in subsection (1) without good and sufficient cause, and for the purposes of any prosecution for a contravention of the provisions of this subsection the onus of proof that he had such good and sufficient cause is on the person accused of such contravention.

804. The owner or operator of an aircraft shall, upon notice by mail to his registered address given by the Minister, advise the Minister as to where the aircraft is then stationed and whether or not it is then in a serviceable condition.



**Aeronautics Act—continued**

805. The owner or operator of any aircraft shall, upon reasonable notice given to him by the Minister, make available such aircraft for inspection in accordance with the notice.

806. Every person who

- (a) is the holder of any licence, certificate or permit issued under these regulations;
- (b) is the owner, operator or pilot-in-command of any aircraft in respect of which any certificate, log book or other document is kept; or
- (c) has in his possession any licence, certificate or permit issued under these regulations or any log book or other document relating to any aircraft or commercial air service;

shall, upon demand,

- (d) produce the licence, certificate, permit, log book or other document, as the case may be, for inspection by a peace officer, officer of customs or immigration or any person thereto authorized by the Minister; or
- (e) surrender the licence, certificate, permit, log book or other document, as the case may be, to a peace officer or any person thereto authorized by the Minister.

807. Where any licence, certificate, permit or other document issued under these regulations has been cancelled or suspended or has expired or become void, the person to whom it was issued shall forthwith return it to the Minister.

808. The Minister may withhold the issue of any licence, certificate, permit or other document under these regulations if, in his opinion, the issue thereof is not in the public interest.

809. (1) No person shall knowingly

- (a) use, deal with or act upon any licence, certificate, permit or other document issued under these regulations that has been cancelled or suspended, or to which he is not by these regulations entitled;
- (b) lend any licence, certificate, permit or other document issued under these regulations to any person who is not by these regulations entitled thereto, or allow the same to be used by any such person; or
- (c) make, assist in making or procure the making of any false representations for the purpose of obtaining for himself or any other person the issue of any document mentioned in paragraph (b).

(2) No person shall knowingly mutilate, alter or render illegible any log book or any entry made therein, or make, procure or assist in the making of, any false entry in, or omission from, any log book, nor shall any person knowingly destroy any log book during the period for which it is required by these regulations to be kept.

810. No person shall use any aircraft for the purpose of a commercial air service that is operated wholly within Canada unless the aircraft is registered under Part II as a commercial aircraft or unless it is registered in a contracting state and special permission has been granted by the Minister to use the aircraft for that purpose.

**Aeronautics Act—continued**

811. Where the Minister has reason to believe, upon complaint or otherwise, that an aircraft within Canada is intended or is about to proceed upon a flight in contravention of these regulations or while in a condition unfit for flight, he may make such directions and take such action by way of the provisional detention of the aircraft or otherwise as he deems necessary, for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be detained until such time as he is satisfied that the regulations are being complied with or until such alterations or repairs as he deems necessary to render the aircraft fit for flying have been made.

812. No person shall wilfully obstruct or impede any person in the execution of his powers or duties under these regulations.

813. Neglect on the part of any person to whom any licence, certificate or permit has been issued under these regulations of any precaution that may be required by the ordinary practice of the air or by the special circumstances of the case, or the contravention of these regulations or any direction of the Minister thereunder by any such person is cause for the suspension of such licence, certificate or permit.

814. Failure on the part of any person to whom any licence, certificate or permit has been issued under these regulations to observe or comply with the conditions upon which such licence, certificate or permit was issued shall be deemed to constitute a contravention of these regulations by such person.

815. Every person who

- (a) flies or manoeuvres or otherwise uses or operates any aircraft contrary to the provisions of these regulations or any direction of the Minister thereunder,
- (b) uses or operates any aerodrome contrary to the provisions referred to in paragraph (a),
- (c) is a party to any act described in paragraph (a) or (b),
- (d) is the owner or operator or the pilot-in-command of any aircraft by means of which any act described in paragraph (a) is committed, or
- (e) is the operator of any aerodrome in respect of which any act described in paragraph (b) is committed,

shall be deemed to have contravened the provisions so referred to unless, in any prosecution for such contravention, he establishes that the act so described took place without his knowledge or consent or that he exercised all due diligence to prevent its commission.

816. In complying with these regulations due regard shall be had to all dangers of navigation and of possible collision, and to any special circumstances rendering non-compliance therewith necessary to avoid immediate danger, and in any prosecution for a contravention of these regulations or any direction of the Minister thereunder it is a good defence if the person in charge therewith establishes that the contravention took place due to stress of weather or other unavoidable cause as contemplated by this section.

817. Nothing in these regulations shall be held to relieve the owner, operator or flight crew member of an aircraft of the consequences of any

**Aeronautics Act—continued**

neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of neglect of any precaution that is required by the ordinary practice of the air or by the special circumstances of the case.

818. Before any licence, certificate or permit is first issued under these regulations, the applicant therefor shall remit to the Minister,

- (a) for a certificate of registration of an aircraft, a fee of \$5.00;
- (b) for a certificate of airworthiness of an aircraft, a fee of \$5.00;
- (c) for an aircraft type approval, a fee of \$25.00;
- (d) for an airport licence, a fee of \$10.00; and
- (e) for any licence or permit under Part IV, a fee of \$5.00.

819. No photographic apparatus shall be installed in, nor shall any photographs be taken from any aircraft while operating in or over Canadian territory unless such aircraft is registered in Canada.

820. No person shall make a recording from an aircraft, by any method, of features and properties of the earth, over any part of Canada or the territorial waters of Canada without the permission of the Minister, except where the area to be surveyed is owned or leased by the operator of the aircraft and the operator is a Canadian citizen or a company or corporation created or incorporated under and subject to the laws of Canada or of a Province of Canada, of which the president or chairman and three-fourths or more of the directors and other managing officers are Canadian citizens and in which at least seventy-five per centum of the voting interest is owned or controlled by Canadian citizens. Every permission given under this part shall contain such terms and conditions as the Minister may deem necessary or advisable.

**DIVISION II***Certificates, Licences, Manuals, Logs and Records*

821. No person shall fly any aircraft unless there is carried on board the aircraft the certificate of registration, certificate of airworthiness and journey log book relating to the aircraft, the authority and licence for the equipment and working of the radio equipment, if any, and the licences or permits of all members of the flight crew of the aircraft.

822. (1) Every owner of a commercial aircraft shall keep and maintain, in a form prescribed by the Minister,

- (a) an aircraft log book and a journey log book for the aircraft;
- (b) an engine log book for each engine of the aircraft; and
- (c) a propeller log book for each propeller of the aircraft;

and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

(2) The owner of a private aircraft shall keep and maintain a journey log book in a form prescribed by the Minister, and in addition, a detailed engineering history of the aircraft including a record of repairs, replacements, overhauls and modifications and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

823. Entries in log books shall be made accurately and in ink as soon as possible after the events they record; entries to be made in the journey log book may first be made in a note book but shall be perman-



**Aeronautics Act—continued**

ently entered within twenty-four hours after the events recorded; all entries in log books shall be made by a competent person and signed by such person, and no erasures shall be made in, nor any leaf torn from, any log book required by these regulations to be kept.

824. Every owner of an aircraft shall

- (a) preserve all log books for the aircraft or its engines or propellers for a period of not less than two years after the date of the last entry therein; and
- (b) on the first page of every log book taken into use to replace another log book, enter the last two entries from the log book so replaced.

825. In any prosecution for a contravention of these regulations or any direction of the Minister thereunder, an entry in any log book is, as against the person who made the entry and the owner and operator of the aircraft to which the log book relates, *prima facie* proof of the truth of the statements contained therein.

### DIVISION III

#### *Accidents and Boards of Inquiry*

826. (1) Where any aircraft accident occurs, the pilot-in-command and the operator of the aircraft involved shall, as soon as possible thereafter and by the quickest means of communication available, report to the Minister the date and place of the accident and such other particulars thereof as the Minister may direct.

(2) Where any aircraft is missing on a flight, the owner and the operator of the aircraft shall, by the quickest means of communication available, notify the Minister of the fact in accordance with any direction of the Minister in that behalf.

(3) Performance by any person under a duty imposed by this section of any duty so imposed to report an aircraft accident or to notify the Ministry of any aircraft missing on a flight relieves any other person under the duty so imposed of the obligation to perform such duty.

827. No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister, but the aircraft or any part thereof may be displaced or removed as may be necessary to extricate any person, to remove any mail, to prevent destruction by fire or other cause, or to avoid danger to any person or property.

828. Where any Canadian aircraft is damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot-in-command thereof shall notify the Minister forthwith, giving full particulars of such damage.

829. The Minister may constitute or authorize the constitution of Boards of Inquiry of one or more members for the purpose of investigating the circumstances of any accident or of any alleged breach of these regulations, and any Board of Inquiry so constituted shall have power to take evidence upon oath or otherwise.

**Aeronautics Act—continued**

830. Every person required to give evidence before a Board of Inquiry shall attend and give evidence upon being so required by writing under the hand of any member of the Board.

831. Any person who attends and gives evidence before any such Board of Inquiry is entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the superior court of the province in which such evidence is given.

## DIVISION IV

*Transitional And Other Provisions*

832. A reference in these regulations to the Minister includes, in relation to any particular power, duty or function of the Minister under these regulations, a reference to any person authorized by the Minister to exercise or perform such power, duty or function.

833. Any registration effected or, with reference to any document, and act or thing done under the authority of the provisions of The Air Regulations established by Order in Council P.C. 2575 of May 24, 1951, or of any Part, section, paragraph or other portion thereof, shall, for the purposes of these regulations, be deemed to have been effected or done, as the case may be, under the provisions of these regulations or of any Part, Division, section, subsection or other portion thereof corresponding to the provisions so referred to.

**2. Commercial Air Services Regulations**

P.C. 1954-2032

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 13 of the Aeronautics Act, is pleased to order as follows:

1. The Regulations respecting Commercial Air Services, established by Order in Council P.C. 5793 of 29th November, 1950, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Commercial Air Services" made by the Air Transport Board are hereby approved and established in substitution for the regulations hereby revoked.

## REGULATIONS RESPECTING COMMERCIAL AIR SERVICES

1. These regulations may be cited as the *Commercial Air Services Regulations*.

*Interpretation*

2. In these regulations,

(a) "Act" means the Aeronautics Act;

(b) "Board" means the Air Transport Board;

**Aeronautics Act—continued**

- (c) “domestic air carrier” means an air carrier whose principal place of business is in Canada;
- (d) “foreign air carrier” means an air carrier whose principal place of business is outside Canada;
- (e) “goods” means any things that can be transported by air including animals but excluding mails other than in plane load lots;
- (f) “joint tariff” means a tariff that applies to through service by two or more carriers;
- (g) “joint toll” means a toll that applies to through service by two or more carriers;
- (h) “tariff” means a publication containing terms and conditions of carriage, tolls, rules, regulations and practices applicable to the carriage of traffic by an air carrier; and
- (i) “toll” means any charge, classification, fare, rate or allowance made by an air carrier in respect of the carriage, shipment, transportation, care, handling or delivery of traffic, or in respect of any service incidental thereto.

*Classification of Air Carriers*

3. (1) Air carriers are classified as follows:

(a) Domestic Air Carriers:

Class 1—Scheduled Air Carriers

Air carriers who offer public transportation of persons, mails or goods by aircraft, serving designated points in accordance with a service schedule and at a toll per unit.

Class 2—Regular Specific Point Air Carriers

Air carriers who offer public transportation of persons, mails or goods by aircraft serving designated points on a route pattern and with some degree of regularity, at a toll per unit.

Class 3—Irregular Specific Point Air Carriers

Air carriers who offer public transportation of persons, mails or goods by aircraft, from a designated base, serving a defined area or a specific point or points, at a toll per unit.

Class 4—Charter Air Carriers

Air carriers who offer public transportation of persons or goods by aircraft from a designated base, at a toll per mile or per hour for the charter of the entire aircraft, or at such other tolls as may be permitted by the Board.

Class 5—Contract Air Carriers

Air carriers who do not offer public transportation but who transport persons or goods solely in accordance with one or more specific contracts.

Class 6—Flying Clubs

Air carriers incorporated as non-profit organizations for the purpose of furnishing flying training and recreational flying to club members.

Class 7—Specialty Air Carriers

Air carriers who operate commercial air services for purposes not provided for by any other Class.



**Aeronautics Act**—*continued*

## (b) International Air Carriers

## Class 8—International Scheduled Air Carriers

Domestic and foreign air carriers designated by the Government of any State to operate international scheduled air services between Canada and any other State, pursuant to an international agreement or agreements to which Canada is a party.

## Class 9—International Non-Scheduled Air Carriers

Domestic and foreign air carriers who operate between Canada and any other State, any commercial air service authorized to be performed by domestic air carriers in Classes 2, 3, 4, 5 and 7; such air carriers shall be designated as Classes 9-2, 9-3, 9-4, 9-5 and 9-7 air carriers.

(2) When there is any doubt as to the class to which an air carrier belongs, the Board may allocate the carrier to such class as it may deem appropriate.

4. The Board may establish groups of air carriers within any or all of the Classes of Air Carriers set out in section 3 on the basis of the loads or weights of aircraft to be employed by air carriers in each group so established, or on such other basis as in the opinion of the Board may be required and may allocate or re-allocate any air carrier to such group as the Board may deem appropriate.

*Classification of Commercial Air Services*

5. (1) Commercial air services shall be classified in classes corresponding to the services operated by air carriers classified under section 3, and where the Board has established groups of air carriers within all or any of the classes of air carriers in pursuance of section 4, such commercial air services shall be established in the groups corresponding to the services operated by the air carriers so grouped.

(2) Where there is any doubt as to the class or group to which a commercial air service belongs, the Board may allocate the service to such class or group as it may deem appropriate.

*Exemption from Certain Provisions of the Act*

6. (1) Applicants for licences to operate commercial air services in all classes other than Class 1 are exempted from the operation of subsection (3) of section 15 of the Act; provided that in substitution therefor the applicant shall satisfy the Board that the proposed commercial air services would be in the public interest.

(2) Applicants for licences to operate commercial air services, and air carriers who operate such services in all classes other than Class 1, are excluded from the operation of subsection (8) of section 15 of the Act; provided that in substitution therefor the Board may issue a licence which differs from the licence applied for and may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Board, such action would be in the public interest.

(3) Domestic air carriers in Classes 5, 6 and 7 and international non-scheduled air carriers in Classes 9-5 and 9-7 are excluded from the operation of section 14 of the Act.

**Aeronautics Act—continued**

(4) The Board may authorize a foreign air carrier to operate a flight or series of flights into or out of Canada subject to such terms and conditions as the Board may prescribe.

(5) Foreign air carriers so authorized in pursuance of subsection (4) are excluded from the operation of sections 15 and 16 of the Act.

*Operations in Other Classes or Groups*

7. (1) No air carrier shall operate a commercial air service in any class for which it is not authorized; but the Board may upon application for amendment of any existing licence, authorize the operation of additional commercial air services in any other class or classes.

(2) No air carrier shall operate a commercial air service in any group for which it is not authorized if the Board has established such groups; but the Board may upon application authorize the operation of additional commercial air services in any other group or groups.

*Applications for Licences*

8. (1) Every applicant for a licence to operate a commercial air service shall furnish the Board in the form and manner required by the Board such information as may be necessary to acquaint the Board with the particular circumstances of the commercial air service in respect of which the application is made.

(2) The Board may issue a licence to operate a commercial air service for such period of time as the Board may prescribe and may renew any licence for such further period as the Board deems advisable, but nothing herein contained shall be construed as limiting the authority of the Board to cancel or suspend any licence at any time.

*Ownership, Transfers, Consolidations, Mergers and Leases*

9. (1) Every person intending to carry out a transfer, consolidation, merger or lease, including the acquisition of control or agreement for the operation of commercial air services, shall file with the Secretary of the Board a true copy of any proposed agreement in respect thereof, and shall furnish such other information relating thereto as the Board may require.

(2) No transfer, consolidation, merger or lease including the acquisition of control or agreement for operation of any commercial air service shall be carried out or be effective without the prior approval in writing of the Board.

(3) Every air carrier being a corporation shall file with the Secretary of the Board, within one month from the happening of the event, a statement, under oath when required by the Board, showing every transfer of shares of the capital stock of the corporation where the total number of shares transferred amounts to five or more per centum of the number of issued common or preferred shares of the capital stock of the corporation.

(4) Every air carrier being a partnership shall file with the Secretary of the Board, within one month from the happening of the event, a statement, under oath when required by the Board, showing every transfer of capital interest where the amount of the capital interest transferred is more than five per centum of the total capital of the partnership.

**Aeronautics Act—continued**

(5) No transfer of shares nor transfer of capital interest that results in a transfer of control of the commercial air service shall be carried out or be effective without the prior approval in writing of the Board.

*Forms*

10. The Board may prescribe and amend from time to time such forms as may be required for the purposes of Part II of the Act, or for the purposes of these regulations or of any orders or directions issued by the Board pursuant thereto.

*Accounts, Records and Reports*

11. Every air carrier shall file with the Board in such form as the Board may require returns showing full particulars of its capital, traffic, equipment, and working expenditures, including but without limiting the foregoing, a balance sheet, stock register and register of shareholders, a property account, a profit and loss statement, an income account, a record of traffic carried, a report of accidents, a record of employees and of their salaries and wages and, in the case of pilots and co-pilots, a copy of any agreement to which the air carrier is then a party respecting maximum hours and other working conditions of pilots and co-pilots, a record of the number and type of aircraft employed by it and the utilization of each such aircraft, and any other matters relating to the operation of commercial air services that the Board may require, and shall keep accounts and records of such matters and shall permit access thereto by the Board or its authorized representatives; provided that the Board may exempt any air carrier from the requirements of this section to the extent deemed desirable by the Board.

*Traffic, Tolls and Tariffs**Classes 1, 2, 3, 4, 8, 9-2, 9-3 and 9-4 Air Carriers*

12. (1) This section applies to the operations of air carriers in Classes 1, 2, 3, 4, 8, 9-2, 9-3 and 9-4 between points in Canada, between points in Canada and points in foreign countries, and between points in foreign countries, except as may be otherwise directed by the Board.

(2) Every air carrier shall provide and furnish transportation upon reasonable request therefor in accordance with the terms and conditions of its licence, and shall provide adequate service, equipment, and facilities in connection with such transportation.

(3) Classes 1 and 8 air carriers shall, in addition to the requirements of subsection (2), provide reasonable through service in connection with other air carriers.

(4) The Board may determine whether an air carrier has complied with the requirements of subsections (2) and (3), and may direct an air carrier to comply therewith in such terms and under such conditions as the Board may deem expedient.

(5) The Board may require that air carriers shall furnish the Board with information as to services rendered or to be rendered, and may prescribe the form and manner in which such information shall be furnished.



**Aeronautics Act—continued***Tariffs and Tolls*

13. (1) Every air carrier in Classes 1, 2, 3, 8, 9-2 and 9-3 shall establish, observe and enforce just and reasonable individual tolls and joint tolls when through service with another carrier has been established, rules, regulations, terms and conditions of carriage, and practices relating to such transportation, and every air carrier in Classes 4 and 9-4 shall establish, observe and enforce just and reasonable tolls, rules, regulations, terms and conditions of carriage, and practices relating to such transportation.

(2) The tolls of an air carrier in Classes 1, 2, 3, 8, 9-2 and 9-3 shall, under substantially similar circumstances and conditions, in respect of all traffic of the same description and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise; tolls for plane load quantities, or greater weights, or longer distances, may be proportionately less than the tolls for less than plane load quantities, or lesser weights, or shorter distances, when such tolls are under substantially similar circumstances charged equally to all persons.

(3) The Board may determine and prescribe what are just and reasonable individual or joint tolls, and may prescribe what is the maximum or minimum, or maximum and minimum toll to be charged, and what individual or joint classification, rule, regulation, terms and conditions of carriage, or practice, shall prevail in respect of the services performed or to be performed by air carriers.

(4) The condition set forth hereunder is a provision of and shall be inserted in the tariff of every air carrier in respect of any carriage by air that is not international carriage within the meaning of the Convention for the Unification of Certain Rules Relating to International Carriage by Air:

“Where the air carrier would otherwise be liable in respect of the death or injury of a passenger carried for hire sustained during the operations of flight embarkation or disembarkation or at any time while the passenger is aboard the aircraft, the liability of the air carrier shall not be limited in respect of such passenger below the minimum per passenger amount of passenger liability insurance or security stipulated by the Board as a condition of the air carrier's licence; PROVIDED that this provision shall not apply in respect of any passenger whose condition is such as to involve an unusual risk or hazard in regard to loss or damage which would not have been sustained but for the age or mental or physical condition of such passenger including in the case of a pregnant passenger any injury, illness or disability sustained by an unborn child.”

(5) Every air carrier having joint tolls shall establish just, reasonable and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any such participating air carrier.

(6) The Board may determine and fix just and reasonable divisions of joint tolls as between air carriers, or the proportion of the joint toll or tolls to be received by an air carrier in any joint tariff between an air carrier and any other carrier; the Board may require to be informed by the air carrier of the proportion of the toll or tolls in any joint tariff filed which it or any

**Aeronautics Act—continued**

other carrier is to receive or has received; the Board may decide that any proposed through toll is just and reasonable, notwithstanding that a lesser amount may be allotted to any air carrier out of such through toll than the air carrier would otherwise be entitled to charge.

(7) Unless otherwise directed by the Board, every air carrier shall file or cause to be filed with the Board, and keep open to public inspection in such form and manner and containing such information as the Board may direct, tariffs and joint tariffs applicable to the carriage of traffic between points served by it and between points served by it and points served by any other carrier when through service and through tolls shall have been established.

(8) The Board may determine and direct what notice shall be given respecting the effective date of any tariff, or any amendment thereto, or any part thereof, or cancellation of a tariff, and may designate the date on which any tariff, or amendment thereto, or part thereof, shall become effective, or may postpone the effective date or suspend any tariff, or amendment thereto, or part thereof, either before or after it comes into effect.

(9) Any tariff in force may, subject to disallowance, suspension, or change by the Board, be amended, supplemented or superseded by a new tariff in accordance with these regulations and the orders and directions issued by the Board.

(10) The Board may disallow any tariff or any part thereof which it considers to be unjust or unreasonable or contrary to any provisions of these regulations or any orders or directions issued by the Board, and may require the air carrier to substitute a tariff or a part thereof satisfactory to the Board, or may prescribe other tariffs or parts thereof in lieu of those so disallowed.

*Collection of Tolls*

14. (1) No tolls shall be charged nor shall any terms and conditions of carriage, rules, regulations, or practices be applied unless an appropriate tariff has been filed with the Board and has come into effect or the Board has otherwise directed; where a tariff is filed with the Board and has come into effect and has not been disallowed or suspended by the Board, or superseded by a new tariff, the toll or tolls specified therein shall be charged and the terms and conditions of carriage, rules, regulations, and practices specified therein shall be applied.

(2) No air carrier shall deliver or relinquish possession of any goods transported by it or transport any person until all tolls have been paid, except under such directions as the Board may, from time to time, issue to govern the settlement of such tolls.

(3) No air carrier shall, in any manner or by any device directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the tolls specified in its currently effective tariffs except as specified therein, nor extend to any person any privileges or facilities except as specified in its currently effective tariffs, without the prior approval of the Board.

**Aeronautics Act—continued**

*Discrimination, Preference, Prejudice*

15. (1) No air carrier shall make, give or cause any undue or unreasonable preference or advantage to any particular person, airport, locality, or description of traffic in air transportation in any respect whatsoever, or subject any person, airport, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; provided that air carriers in Class 4 and Class 9-4 may, upon approval of the Board, provide lower tolls for greater than for lesser amounts of transportation service or for transport services to be rendered in special circumstances or for both.

(2) Whenever it is shown that, other than as may have been approved by the Board in the case of air carriers in Class 4 and Class 9-4, any air carrier charges one person or class of persons, or the persons in any locality, lower tolls for the same or similar goods or lower tolls for the same or similar service than it charges to other persons or classes of persons or to the persons in other locality, or makes any difference in treatment in respect to such persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination shall lie on the air carrier.

(3) The Board may determine whether or not there has been, in any case, unjust discrimination or undue or unreasonable preference or advantage or prejudice or disadvantage within the meaning of these regulations.

(4) The Board may require air carriers to keep records of all free and reduced rate transportation issued or given and may require the filing of returns with respect thereto.

*Traffic, Tolls and Tariffs*

*Classes 5 and 9-5 Air Carriers*

16. (1) This section applies to the operations of air carriers in Classes 5 and 9-5 between points in Canada, between points in Canada and points in foreign countries, and between points in foreign countries, except as may be otherwise directed by the Board.

(2) Every air carrier shall file or cause to be filed with the Board, in such form and manner and containing such information as the Board may direct, a true copy of every contract showing all tolls, terms and conditions of carriage, rules, regulations, and practices applicable to the carriage of traffic and such contracts shall constitute the carrier's tariff.

(3) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable or contrary to the public interest or to any provisions of these regulations or any orders or directions issued by the Board.

(4) The condition set forth hereunder is a provision of and shall be inserted in the contract entered into by the air carrier in respect of any carriage by air that is not international carriage within the meaning of the Convention for the Unification of Certain Rules Relating to International Carriage by Air:

"Where the air carrier would otherwise be liable in respect of the death or injury of a passenger carried for hire sustained during the operations of flight embarkation or disembarkation or at any time



**Aeronautics Act—continued**

while the passenger is aboard the aircraft, the liability of the air carrier shall not be limited in respect of such passenger below the minimum per passenger amount of passenger liability insurance or security stipulated by the Board as a condition of the air carrier's licence; PROVIDED that this provision shall not apply in respect of any passenger whose condition is such as to involve an unusual risk or hazard in regard to loss or damage which would not have been sustained but for the age or mental or physical condition of such passenger including in the case of a pregnant passenger any injury, illness or disability sustained by an unborn child."

(5) No tolls shall be charged nor shall any terms and conditions of carriage, rules, regulations, or practices be applied except in accordance with the terms and conditions of the contract on file with the Board.

(6) The Board may, at any time, either in individual cases or for application generally, prescribe the manner in which tolls and tariff charges shall be collected by air carriers.

*Traffic, Tolls and Tariffs**Classes 6, 7 and 9-7 Air Carriers*

17. (1) This section applies to the operations of Class 6 air carriers within Canada, and to the operation of Class 7 and Class 9-7 air carriers within Canada, partly within Canada and partly within a foreign country or countries, and within foreign countries, except as may be otherwise directed by the Board.

(2) Every air carrier shall establish, observe and enforce just and reasonable tolls, rules, regulations, terms and conditions of service, and practices relating to such service.

(3) The Board may, at any time, either generally or in specific cases, require air carriers to inform it of charges for service rendered or to be rendered and may prescribe the form and manner in which such information shall be furnished.

(4) The Board may disallow any tolls which it considers to be unjust or unreasonable or contrary to any provisions of these regulations or any orders or directions issued by the Board, or contrary to the public interest and may require other tolls in lieu of the tolls so disallowed.

(5) The Board may determine and prescribe, either in individual cases or generally, what are just and reasonable tolls or may prescribe what is the maximum or minimum or maximum and minimum toll to be charged and what rule, regulation, terms and conditions of service, or practice shall prevail in respect of the services performed or to be performed by air carriers.

*Orders and Directions*

18. The Board may make orders and issue directions for the effective carrying out of these regulations.

*Penalties*

19. Every person who contravenes or fails to comply with the Act or these regulations, or any order or direction made by the Board, or makes any false statement or furnishes false information to or for the use or

**Aeronautics Act—continued**

information of the Board, is guilty of an offence and shall, on summary conviction, be liable to a penalty not exceeding five thousand dollars or to imprisonment for six months, or to both such fine and such imprisonment; and the Board may impose the additional penalty of cancellation or suspension of any licence issued to such person by the Board.

*Authorization Under Previous Regulations*

20. All licences, orders, directions and other authorizations granted, issued or made by the Board pursuant to regulations in force prior to these regulations, are deemed to be amended to conform to these regulations where appropriate but otherwise remain in full force and effect until superseded pursuant to these regulations.

**3. Airport Zoning Regulations**

**(a) Toronto Malton Airport Zoning Regulations**

P.C. 1953-546

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of April, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section four of the Aeronautics Act, is pleased to approve the annexed regulations entitled "The Toronto Malton Airport Zoning Regulations", made by the Minister of Transport under the authority of the said section four, and they are hereby approved, accordingly.

THE TORONTO MALTON AIRPORT ZONING REGULATIONS

1. These regulations may be cited as the *Toronto Malton Airport Zoning Regulations*.

2. In these regulations,

- (a) "airport" means Toronto Airport, Malton, in the Province of Ontario;
- (b) "airport reference point" means the point fixed by these regulations as the centre of the airport, the assigned elevation of which is deemed, for the purposes of these regulations, to be 570 feet above sea level (m.s.l.);
- (c) "approach surface" means an imaginary inclined plane the lower end of which is a horizontal line at right angles to the centre line of the strip and passing through a point at the strip end on the centre line of the strip;
- (d) "horizontal surface" means an imaginary horizontal plane centering on and located 150 feet above the assigned elevation of the airport reference point; and

**Aeronautics Act—continued**

- (e) "Minister" means the Minister of Transport;
- (f) "strip" means a rectangular portion of the landing area of the airport, 1,200 feet in width, including the runway, especially prepared for the take-off and landing of aircraft in a particular direction;
- (g) "transitional surface" means an imaginary inclined plane extending upward and outward from the outer lateral limits of the strip and its approach surface to an intersection with the horizontal surface or other transitional surfaces.

3. These regulations apply to all lands adjacent to or in the vicinity of Toronto Airport, Malton, Ontario, including public road allowance, as more particularly described in the Schedule hereto.

4. (1) No person shall erect or construct, on any land to which these regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which exceeds in elevation the elevation at that point of such of the surfaces hereinafter described as projects immediately over and above the surface of the land upon which such building, structure or object is located, namely,

- (a) a horizontal surface, the outer limits of which are at a horizontal radius of 13,000 feet more or less;
- (b) approach surfaces abutting each end of the strip designated as 10-28, the strip designated as 14-32 and the strip designated as 05-23, and extending outward therefrom, the dimensions of which approach surfaces are 600 feet on each side of the centre line of the strip at the strip ends and 2,000 feet on each side of the projected centre line of the strip at the outer ends, the said outer ends being 200 feet above the elevations at the strip ends, and measured horizontally, 10,000 feet from the strip ends; and
- (c) the several transitional surfaces, each rising at an angle determined on the basis of a ratio of one foot vertically for every seven feet measured horizontally from the outer lateral limits of the strips and their abutting surfaces

as shown on a Plan No. T724 dated December 17, 1952, and revised February 20, 1953, of record in the Department of Transport.

(2) Where any building, structure or object on any land to which these regulations apply exceeds the limits in elevation specified in subsection (1), the Minister may order the owner or occupier of the land to remove, demolish or modify such building, structure or object or do any act or thing necessary to ensure that such building, structure or object complies with the limits in elevation so specified and may, in any such order, specify the time within such removal, demolition, modification, act or thing shall be done.

5. No person shall operate or cause to be operated on any lands to which these regulations apply any machine, device, contrivance or thing after being notified by the Minister that, in the opinion of the Minister, the machine, device, contrivance or thing causes or is likely to cause, by the emission of light, smoke, noise or fumes, a hazard or obstruction to aircraft using the airport.



**Aeronautics Act—continued**

**Schedule, Part 1**

**DÉSCRIPTION OF AIRPORT REFERENCE POINT—TORONTO AIRPORT,  
MALTON, ONTARIO**

Premising that the bearings hereinafter mentioned are astronomical and are referred to the northeastern boundary of Lot Eight (8) in Concession Six (6) East of Hurontario Street in the Township of Toronto in the County of Peel as North forty-four degrees fifteen minutes West (N.44° 15'W.).

Commencing at the northeasterly angle of Lot Nine (9) in Concession Six (6) East of Hurontario Street in the Township of Toronto in the County of Peel. THENCE North forty-four degrees fifteen minutes West (N.44° 15' W.) along the northeastern boundary of said Lot Nine (9), a distance of one hundred and eleven feet (111') more or less to its intersection with the northeasterly prolongation of the centre line or Runway 05-23 of Toronto Airport, Malton, Ontario.

Thence South forty-six degrees thirty-one minutes West (S. 46° 31' W.) along the said prolongation of the said centre line and along the said centre line, a distance of two thousand nine hundred and twenty-seven and seven tenths feet (2927.7') to its intersection with the centre line of Runway 14-32 of Toronto Airport, Malton, Ontario.

Thence continuing South forty-six degrees thirty-one minutes West (S. 46° 31' W.) along the said centre line of Runway 05-23, a distance of one thousand and fifty feet (1,050').

Thence South forty-three degrees twenty-nine minutes East (S. 43° 29' E.), a distance of four hundred and fifty feet (450') to a point henceforth designated as the Airport Reference Point, the said point having an assigned true elevation of five hundred and seventy feet (570') Above Sea Level.

**Part II**

**DESCRIPTION OF LANDS AFFECTED BY ZONING REGULATIONS AT TORONTO  
AIRPORT MALTON, ONTARIO**

1. All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Township of Etobicoke, in the County of York and Province of Ontario and being more particularly described hereinafter as Parcels "A" and "B".

Premising that the bearings hereinafter mentioned are astronomical and are referred to the northeastern boundary of Lot Eight (8) in Concession Six (6) East of Hurontario Street in the Township of Toronto and County of Peel as North forty-four degrees fifteen minutes West (N.44° 15'W.).

PARCEL "A"—Being composed of all of Lots Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29), and part of Lots Nineteen (19), Twenty (20), Thirty (30), Thirty-one (31), Thirty-two (32), in the Fourth Concession fronting the Humber; all of the allowance for road between Lots Twenty-one (21) and Twenty-two (22) in the said Concession and part of the allowance for road between Lots Thirty-one (31) and Thirty-two (32) in the said Concession

**Aeronautics Act—continued**

and part of the allowance for road between the said Concession and the Third Concession fronting the Humber, all in the Township of Etobicoke and being more particularly described as follows:

Commencing at a point in the southwestern boundary of Lot Thirty-two (32) in the Fourth Concession fronting the Humber, distant three hundred and eighty-two and eight one-hundredths feet (382.08') measured North twenty-two degrees forty minutes fifty seconds West (N.22° 40' 50" W.) along the said boundary from the most southerly angle of the said lot;

Thence southeasterly along a curve to the right, having a radius of thirteen thousand feet (13,000'), an arc distance of two thousand three hundred and ninety-one and forty-five one-hundredths feet (2,391.45'), the chord to the above arc having a bearing of South fifty-nine degrees seventeen minutes East (S.59° 17' E.) and a distance of two thousand three hundred and eighty-eight and eight one-hundredths feet (2,388.08');

Thence North thirty-eight degrees thirty-two minutes fifty seconds East (N.38° 32' 50" E.) a distance of five hundred and thirty-four and ninety-three one-hundredths feet (534.93');

Thence South forty-three degrees twenty-nine minutes East (S.43° 29' E.) a distance of one thousand six hundred and twenty-one and ninety-three one-hundredths feet (1,621.93') more or less to a point in the western boundary of Lot Thirty (30) in the Third Concession fronting the Humber, distant one hundred and ninety-six and six one-hundredths feet (196.06'), measured North seventeen degrees twenty-one minutes West (N.17° 21' W.) along the said boundary from the most southerly angle of the said Lot;

Thence southerly along the eastern limit of the allowance for road between the Third and Fourth Concessions fronting the Humber, to a point in the western boundary of Lot Twenty (20) in the said Third Concession, distant four hundred and ninety-two and fifty-four one-hundredths feet (492.54') measured South eighteen degrees thirteen minutes forty seconds East (S.18° 13' 40" E.) along the said boundary from the most easterly angle of the said Lot;

Thence North eighty degrees thirty-one minutes fifty seconds West (N.80° 31' 50" W.) a distance of two hundred and fourteen and ninety-four one-hundredths feet (214.94');

Thence southerly along a curve to the right, having a radius of thirteen thousand feet (13,000'), an arc distance of one thousand eight hundred and fifty-four and sixty-two one-hundredths feet (1,854.62') more or less to a point in the southwestern boundary of Lot Nineteen (19) in the said Fourth Concession, distant six hundred and seventeen and fourteen one-hundredths feet (617.14') measured South twenty-two degrees fifty-five minutes twenty seconds East (S.22° 55' 20" E.) along the said boundary from the most westerly angle of the said Lot, the chord to the above arc having a bearing of South fourteen degrees thirty-five minutes twenty-three seconds West (S.14° 35' 23" W.) and a distance of one thousand eight hundred and fifty-three and seven one-hundredths feet (1,853.07');

Thence northwesterly along the northeastern limit of the allowance for road between the Townships of Etobicoke and Toronto Gore to the point of commencement.

PARCEL "B"—Being composed of part of Lots Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29) and Thirty (30) and part of the allowance for road

**Aeronautics Act—continued**

between Lots Twenty-one (21) and Twenty-two (22) in the Third Concession fronting the Humber, in the Township of Etobicoke and being more particularly described as follows:

Commencing at a point in the western boundary of Lot Thirty (30) in the said Concession, distant one hundred and ninety-six and six one-hundredths feet (196.06') measured North seventeen degrees twenty-one minutes West (N.17° 21' W.) along the said boundary from the most southerly angle of the said Lot;

Thence South forty-three degrees twenty-nine minutes East (S.43° 29' E.) a distance of two thousand three hundred and seventy-eight and seven one-hundredths feet (2,378.07');

Thence South Fifty-four degrees twenty-nine minutes ten seconds West (S.54° 29' 10" W.) a distance of four hundred and five and fifty-five one-hundredths feet (405.55');

Thence southerly along a curve to the right, having a radius of thirteen thousand feet (13,000') an arc distance of seven thousand three hundred and eighteen and forty-seven one-hundredths feet (7,318.47'), the chord to the above arc having a bearing of South twenty degrees forty-five minutes seventeen second East (S.20° 45' 17" E.) and a distance of seven thousand two hundred and twenty-two and twenty-nine one-hundredths feet (7,222.29');

Thence North eighty-three degrees thirty-one minutes fifty seconds East (N.38° 31' 50" E.) a distance of two thousand and forty-one and thirty-four one-hundredths feet (2,041.34');

Thence South one degree thirty minutes West (S.1° 30' W.) a distance of four thousand feet (4,000');

Thence North eighty degrees thirty-one minutes fifty seconds West (N.80° 31' 50" W.) a distance of one thousand nine hundred and thirteen and fourteen one-hundredths feet (1,913.14') more or less to a point in the western boundary of Lot Twenty (20), distant four hundred and ninety-two and fifty-four one-hundredths feet (492.54') measured South eighteen degrees thirteen minutes forty seconds East (S.18° 13' 40" E.) along the said boundary from the most westerly angle of the said Lot;

Thence northerly along the eastern limit of the allowance for road between the Third and Fourth Concessions fronting the Humber, to the point of commencement.

The said Parcels "A" and "B" are shown within coloured lines on the plan.

2. All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Townships of Toronto and Toronto Gore, in the County of Peel and Province of Ontario, and being more particularly described hereinafter as Parcels One (1), Two (2), Three (3), Four (4) and Five (5).

Premising that the bearings hereinafter mentioned are astronomical and are referred to the northeastern boundary of Lot Eight (8) in Concession Six (6) East of Hurontario Street, in the Township of Toronto, in the County of Peel as North forty-four degrees fifteen minutes West (N.44° 15' W.)

PARCEL ONE (1)—Being composed of part of Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) in Concession Three (3) East of



**Aeronautics Act—continued**

Hurontario Street and part of the allowance for roads between Lots Five (5) and Six (6) and between Lots Ten (10) and Eleven (11) in the said Concession and part of the allowance for road between the said Concession and Concession Four (4) East of Hurontario Street in the Township of Toronto and more particularly described as follows:

Commencing at a point in the northwestern boundary of said Lot Ten (10) in Concession Three (3) East of Hurontario Street, distant five hundred and thirty-three and three tenths feet (533.3') measured North thirty-nine degrees fifty-one minutes East (N.39° 51'E.) along the said boundary from the southwesterly angle of the said Lot;

Thence North forty-three degrees twenty-nine minutes West (N.43° 29'W.) a distance of four hundred and thirty-three and seventy-two one-hundredths feet (433.72');

Thence North fifty-four degrees twenty-nine minutes ten seconds East (N.54° 29' 10"E.) a distance of five hundred and twelve and fifty-two one-hundredths feet (512.52');

Thence northwesterly along a curve to the right, having a radius of thirteen thousand feet (13,000') an arc distance of five thousand five hundred and five and one tenth feet (5,505.1'), the chord to the above arc having a bearing of North twenty degrees forty-eight minutes twenty-eight seconds West (N.20° 48' 28"W.) and a distance of five thousand four hundred and sixty-four feet (5,464');

Thence South eighty-three degrees thirty-one minutes fifty seconds West (S.83° 31' 50"W.) a distance of two hundred and thirty-five and thirty-three one-hundredths feet (235.33');

Thence North one degree thirty minutes East (N.1° 30'E.) a distance of two thousand and eighty-six feet (2,086'), more or less, to a point in the northeastern limit of the allowance for road between Concessions Three (3) and Four (4) East of Hurontario Street;

Thence southeasterly along the said northeastern limit of the said allowance for road to a point in the said limit of the said road, distant one thousand six hundred and ninety-six and forty-three one-hundredths feet (1,696.43') measured South forty-four degrees sixteen minutes thirty seconds East (S.44° 16' 30"E.) along the said limit from the southeasterly angle of Lot Six (6) in Concession Four (4) East of Hurontario Street;

Thence westerly along a curve to the right, having a radius of thirteen thousand feet (13,000'), an arc distance of eight thousand six hundred and eighty-five and four tenths feet (8,685.4'), the chord to the above arc having a bearing of North sixty-nine degrees fourteen minutes seventeen seconds West (N.69° 14' 17"W.), and a distance of eight thousand five hundred and twenty-four and eight tenths feet (8,524.8');

Thence South thirty-eight degrees thirty-two minutes fifty seconds West (S.38° 32' 50"W.) a distance of three hundred and eighty-two and eighty-four one-hundredths feet (382.84');

Thence North forty-three degrees twenty-nine minutes West (N.43° 29' W.) a distance of three thousand five hundred and sixty-six and twenty-eight one-hundredths feet (3,566.28'), more or less, to the point of commencement.

PARCEL TWO (2)—Being composed of all of Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) and parts of Lots Three (3), Four (4), Five (5), Fourteen (14) and Fifteen (15) in Concession Four (4) East of Hurontario Street and all of the allowance for roads between Lots Five (5) and Six (6) and between Lots

**Aeronautics Act—continued**

Ten (10) and Eleven (11) in the said Concession, in the Township of Toronto and including all of the Lots and Streets as shown on a plan of subdivision filed in the Registry Office for the County of Peel as Plan Number 379 and more particularly described as follows:

Commencing at a point in the northeastern boundary of said Lot Fifteen (15) distant one thousand three hundred and ninety-two and five one-hundredths feet (1,392.05') measured South fifty degrees two minutes East (S.50° 02'E.) along the said boundary from the northwesterly angle of the said Lot;

Thence southerly along a curve to the left, having a radius of thirteen thousand feet (13,000') an arc distance of three thousand four hundred and fifty-three and eight one-hundredths feet (3,453.08'), the chord to the above arc having a bearing of South sixteen degrees twenty-four minutes thirty-two seconds West (S.16° 24' 32"W.) and a distance of three thousand four hundred and forty-three and four one-hundredths feet (3,443.04');

Thence North eighty degrees thirty-one minutes fifty seconds West (N.80° 31' 50"W.) a distance of one hundred and thirty-five and thirty-one one-hundredths feet (135.31');

Thence South one degree thirty minutes West (S.1° 30'W.) a distance of one thousand nine hundred and fourteen feet (1,914'), more or less, to a point in the northeastern limit of the allowance for road between Concessions Three (3) and Four (4) East of Hurontario Street;

Thence southeasterly along the said northeastern limit of the said allowance for road to a point in the said limit of the said road, distant one thousand six hundred and ninety-six and forty-three one-hundredths feet (1,696.43') measured South forty-four degrees sixteen minutes thirty seconds East (S.44° 16' 30"E.) along the said limit from the southeasterly angle of Lot Six (6) in Concession Four (4) East of Hurontario Street;

Thence northeasterly along a curve to the left, having a radius of thirteen thousand feet (13,000') to its intersection with the southwestern limit of the allowance for road between Concessions Four (4) and Five (5) East of Hurontario Street; the tangent at the beginning of the curve having a bearing of South eighty-eight degrees twenty-two minutes forty seconds East (S.88° 22' 40"E.);

Thence northwesterly along the said southwestern limit of the allowance for road between Concessions Four (4) and Five (5) East of Hurontario Street to the point of commencement.

**PARCEL THREE (3)**—Being composed of all Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) and part of Lots One (1), Two (2), Three (3) and Fifteen (15) in Concession Five (5) East of Hurontario Street, and all of the allowance for roads between Lots Five (5) and Six (6) and between Lots Ten (10) and Eleven (11) in the said Concession and part of the allowance for road between the said Concession and Concession Four (4) East of Hurontario Street, all in the Township of Toronto and more particularly described as follows:

Commencing at a point in the northeastern boundary of said Lot Fifteen (15) in Concession Five (5) East of Hurontario Street, distant nine hundred and sixteen and thirty-two one hundredths feet (916.32') measured South forty-four degrees eleven minutes forty-five seconds East (S.44° 11' 45" E.) along the said boundary from the northwesterly angle of the said Lot;

**Aeronautics Act—continued**

Thence southeasterly along the southwestern limit of the allowance for road between Concessions Five (5) and Six (6) East of Hurontario Street to a point distant four hundred and eighty-five and sixty-two one-hundredths feet (485·62') measured North forty-four degrees eleven minutes forty-five seconds West (N. 44° 11' 45" W.) along the said limit of the said road from the northeasterly angle of Lot One (1) in Concession Five (5) East of Hurontario Street;

Thence South forty-six degrees thirty-one minutes West (S. 46° 31' W.) a distance of nine hundred and sixteen and eighty-one one-hundredths feet (916·81');;

Thence North thirty-five degrees thirty minutes fifty seconds West (N. 35° 30' 50" W.) a distance of two thousand nine hundred and forty feet (2,940');

Thence northwesterly along a curve to the right, having a radius of thirteen thousand feet (13,000') to its intersection with the southwestern limit of the allowance for road between Concessions Four (4) and Five (5) East of Hurontario Street; the tangent at the beginning of the curve having a bearing of South forty-eight degrees fifty-four minutes twenty-seven seconds West (S. 48° 54' 27" W.);;

Thence northwesterly along the said southwestern limit of the said allowance for road between Concessions Four (4) and Five (5) East of Hurontario Street to a point distant one thousand three hundred and ninety-two and five one-hundredths feet (1,392·05') measured South fifty degrees two minutes East (S. 50° 02' E.) along the said limit of the said road from the northwesterly angle of Lot Fifteen (15) in Concession Four (4) East of Hurontario Street;

Thence northwesterly along a curve to the right, having a radius of thirteen thousand feet (13,000') an arc distance of four thousand five hundred and twenty-five and eighty-three one-hundredths feet (4,525·83'), the chord to the above arc having a bearing of North thirty-two degrees thirty-three minutes thirty-two seconds East (N. 32° 33' 32" E.) and a distance of four thousand five hundred and three and six one-hundredths feet (4,503·06'), more or less, to the point of commencement.

Saving and excepting thereout and therefrom those parts of Lots Eight (8), Nine (9) and Ten (10) lying within the limits of Toronto Airport.

PARCEL FOUR (4)—Being composed of all of Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14) and part of Lots one (1), Two (2), and Fifteen (15) in Concession Six (6) East of Hurontario Street, all of the allowance for roads between Lots Five (5) and Six (6) and between Lots Ten (10) and Eleven (11) in the said Concession, part of the allowance for road between Concessions Five (5) and Six (6) East of Hurontario Street, in the Township of Toronto and including all of the Lots and Streets and any one foot reserves as shown on plans of subdivision filed in the Registry Office for the County of Peel as Plan Numbers 370, 423 and 4, and more particularly described as follows:

Commencing at a point in the northeastern boundary of Lot Fifteen (15) in Concession Five (5) East of Hurontario Street, distant nine hundred and sixteen and thirty-two one-hundredths feet (916·32') measured South forty-four degrees eleven minutes forty-five seconds East (S. 44° 11' 45" E.) along the said boundary from the northwesterly angle of the said Lot;



**Aeronautics Act—continued**

Thence southeasterly along the southwestern limit of the allowance for road between Concessions Five (5) and Six (6) East of Hurontario Street to a point distant four hundred and eighty-five and sixty-two one-hundredths feet (485.62') measured North forty-four degrees eleven minutes forty-five seconds West (N.44° 11' 45"W.) along the said limit from the northeasterly angle of Lot one (1) in Concession Five (5) East of Hurontario Street;

Thence North forty-six degrees thirty-one minutes East (N.46° 31'E.) a distance of three thousand and eighty-three and nineteen one-hundredths feet (3,083.19');

Thence North fifty-one degrees twenty-seven minutes ten seconds West (N.51° 27' 10"W.) a distance of three thousand one hundred and ninety-five and thirty-two one-hundredths feet (3,195.32');

Thence northerly along a curve to the left, having a radius of thirteen thousand feet (13,000') an arc distance of one thousand six hundred and ninety-three and fifty-three one hundredths feet (1,693.53'), more or less, to a point in the northeastern boundary of Lot Two (2) in the said Concession, distant four hundred and ninety-seven and ninety-six one-hundredths feet (497.96') measured South forty-five degrees eighteen minutes East (S.45° 18'E.) along the said boundary from the northwesterly angle of the said Lot, the chord to the above arc having a bearing of North thirty degrees twelve minutes fifty-eight seconds East (N.30° 12' 58"E.) and a distance of one thousand six hundred and ninety-two and forty-three one-hundredths feet (1,692.43');

Thence northwesterly along the southwestern limit of the allowance for road between Concession Six (6) East of Hurontario Street, in the Township of Toronto and Concession Seven (7) Southern Division, in the Township of Toronto Gore, to a point in the northeastern boundary of Lot Fifteen (15) in the said Concession Six (6) distant nine hundred and sixty-four and sixty-five one-hundredths feet (964.65') measured South forty-three degrees fifty-five minutes twenty seconds East (S.43° 55' 20"E.) along the said boundary from a point in the said boundary, distant one thousand and twenty-four and forty-two one-hundredths feet (1,024.42') measured South forty-four degrees nine minutes forty-five seconds East (S.44° 9' 45"E.) along the said boundary from the northwesterly angle of the said Lot;

Thence southwesterly along a curve to the left, having a radius of thirteen thousand feet (13,000') an arc distance of four thousand four hundred and seventy-five and twenty-four one-hundredths feet (4,475.24'), more or less, to the point of commencement, the chord to the above arc having a bearing of South fifty-three degrees forty-nine minutes thirty-seven seconds West (S.53° 49' 37"W.) and a distance of four thousand four hundred and fifty-three and two one-hundredths feet (4,453.02').

Saving and excepting and thereout and therefrom those parts of Lots Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) in the said Concession and part of the allowance for road between Concessions Five (5) and Six (6) East of Hurontario Street lying within the limits of Toronto Airport.

PARCEL FIVE (5)—Being composed of all of Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) and part of Lots Two (2), Thirteen (13) and Fourteen (14) in Concession Seven (7) Southern Division, all of the allowance for

**Aeronautics Act—continued**

roads between Lots Five (5) and Six (6) and between Lots Ten (10) and Eleven (11) in the said Concession, all of Lots Six (6), Seven (7), Eight (8) and Nine (9) and part of Lots Ten (10) and Eleven (11), Twelve (12) and Thirteen (13) in Concession Eight (8) Southern Division, part of the allowance for road between Lots Ten (10) and Eleven (11) in the last said Concession, part of the allowance for road between the said Concessions Seven (7) and Eight (8) Southern Division, all in the Township of Toronto Gore, and part of the allowance for road between Concession Six (6) East of Hurontario Street, in the Township of Toronto and Concession Seven (7) Southern Division, in the Township of Toronto Gore, part of the allowance for road between Concession Eight (8) Southern Division, in the Township of Toronto Gore, in the County of Peel and the Fourth Concession fronting the Humber, in the Township of Etobicoke, in the County of York and including all of the Lots and Streets and any one foot reserves as shown on plans of subdivisions filed in the Registry Office for the County of Peel on Plan Numbers 360, 362, 402, 436 and 454, and more particularly described as follows:

Commencing at a point in the northeastern boundary of Lot Fifteen (15) in Concession Six (6) East of Hurontario Street, in the Township of Toronto, distant nine hundred and sixty-four and sixty-five one-hundredths feet (964.65') measured South forty-three degrees fifty-five minutes twenty seconds East (S.43° 55' 20" E.) along the said boundary from a point in the said boundary, distant one thousand and twenty-four and forty-two one-hundredths feet (1,024.42') measured South forty-four degrees nine minutes forty-five seconds East (S.44° 9' 45" E.) along the said boundary from the northwesterly angle of the said Lot;

Thence easterly along a curve to the right, having a radius of thirteen thousand feet (13,000') an arc distance of eleven thousand seven hundred and forty-three and fifty-nine one-hundredths feet (11,743.59'), more or less, to a point in the southwestern boundary of Lot thirty-two (32) in the Fourth Concession fronting the Humber, in the Township of Etobicoke, distant three hundred and eighty-two and eight one-hundredths feet (328.08') measured North twenty-two degrees forty minutes fifty seconds West (N.22° 40' 50" W.) along the said boundary from the southeasterly angle of the said Lot, the chord to the above arc having a bearing of North eight-nine degrees thirty-four minutes three seconds East (N.89° 34' 03" E.) and a distance of eleven thousand three hundred and forty-eight and thirty-four one-hundredths feet (11,348.34');

Thence southeasterly along the northeastern limit of the allowance for road between the Township of Toronto Gore and the Township of Etobicoke to a point in the southwestern boundary of Lot Nineteen (19) in the Fourth Concession fronting the Humber in the Township of Etobicoke, distant six hundred and seventeen and fourteen one-hundredths feet (617.14') measured South twenty-two degrees fifty-five minutes twenty seconds East (S.22° 55' 20" E.) along the said boundary from the northwesterly angle of the said Lot;

Thence southerly along a curve to the right, having a radius of thirteen thousand feet (13,000') an arc distance of one thousand nine hundred and ninety-eight and twenty-five one-hundredths feet (1,998.25'), more or less, to a point in the northeastern boundary of Lot Two (2), in Concession Six (6) East of Hurontario Street, in the Township of Toronto, distant four hundred and ninety-seven and ninety-six one-hundredths feet (497.96') measured South forty-five degrees eighteen minutes East (S.45° 18' E.) along the said boundary from the northwesterly angle of the said

**Aeronautics Act—continued**

Lot, the chord to the above arc having a bearing of South twenty-three degrees four minutes fifty seconds West (S.23° 04' 50" W.) and a distance of one thousand nine hundred and ninety-six and twenty-nine one-hundredths feet (1,996.29');

Thence northwesterly along the southwestern limit of the allowance for road between Concession Six (6) East of Hurontario Street, in the Township of Toronto and Concession Seven (7) Southern Division, in the Township of Toronto Gore, to the point of commencement.

The said Parcels One (1), Two (2), Three (3), Four (4), and Five (5) are shown within coloured lines on the plan.

**(b) Vancouver Airport Zoning Regulations**

P.C. 1954-959

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 4 of the Aeronautics Act, is pleased to approve the annexed "Vancouver Airport Zoning Regulations" made by the Minister of Transport and relating to the navigation of aircraft at and the use and operation of the Vancouver Airport, Sea Island, British Columbia, and they are hereby approved and established, accordingly.

**THE VANCOUVER AIRPORT ZONING REGULATIONS**

1. These regulations may be cited as the *Vancouver, Sea Island Airport, Zoning Regulations*.

2. In these regulations,

- (a) "airport" means Vancouver Airport, Sea Island, in the Province of British Columbia;
- (b) "airport reference point" means the point fixed by these regulations as the centre of the airport, the assigned elevation of which is deemed, for the purposes of these regulations, to be 13 feet above sea level (m.s.l.);
- (c) "approach surface" means an imaginary inclined plane the lower end of which is a horizontal line at right angles to the centre of the strip and passing through a point at the strip end on the centre line of the strip;
- (d) "horizontal surface" means an imaginary horizontal plane centering on and 150 feet above the assigned elevation of the airport reference point;
- (e) "Minister" means the Minister of Transport;
- (f) "strip" means a rectangular portion of landing area of the airport, 1200 feet in width, including the runway, especially prepared for the take-off and landing of aircraft in a particular direction; and



**Aeronautics Act—continued**

- (g) "transitional surface" means an imaginary inclined plane extending upward and outward from the outer lateral limits of the strip and its approach surface to an intersection with the horizontal surface or other transitional surfaces.

3. These regulations apply to all lands adjacent to or in the vicinity of the Vancouver Airport, Sea Island, British Columbia, including public road allowances, as more particularly described in the Schedule hereto.

4. (1) No person shall erect or construct, on any land to which these regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which exceeds in elevation the elevation at that point of such of the surfaces hereinafter described as projects immediately over and above the surface of the land upon which such building, structure or object is located, namely,

- (a) A horizontal surface, the outer limit of which may be described as follows: commencing at the intersection of the westerly production of the northerly boundary of Blundell Road and the westerly boundary of the Municipality of Richmond; thence easterly along the said westerly production of the said northerly boundary of Blundell Road and along the northerly boundary of Blundell Road to an intersection with the westerly boundary of Garden City Road; thence northerly along the westerly boundary of Garden City Road to an intersection with the northerly boundary of Granville Avenue; thence easterly along the northerly boundary of Granville Avenue to an intersection with the westerly boundary of No. 4 Road; thence northerly along the westerly boundary of No. 4 Road to an intersection with the northerly boundary of New Westminster Highway, thence westerly along the northerly boundary of New Westminster Highway to an intersection with the easterly boundary of Garden City Road; thence northerly along the easterly boundary of Garden City Road to the northerly boundary of Section Three (3), Block 4 North, Range 6 West; thence easterly along the northerly boundary of the said Section Three (3) to the westerly boundary of No. 4 Road; thence northerly along the westerly boundary of No. 4 Road to an intersection with the southerly boundary of Bridgeport Road; thence westerly along the southerly boundary of Bridgeport Road to an intersection with the westerly boundary of Sexsmith Road; thence northerly along the westerly boundary of Sexsmith Road to an intersection with the southwesterly boundary of Douglas Street; thence northwesterly along the southwesterly boundary of Douglas Street to an intersection with the easterly high water mark of the Middle Arm of Fraser River; thence northeasterly along the said high water mark to the northerly limit of the Lulu Island Bridge; thence northwesterly along the northerly limit of the said Lulu Island Bridge to the westerly high water mark of the Middle Arm of Fraser River; thence northeasterly along high water mark to the northerly boundary of the Lulu Island Bridge approach; thence northwesterly along the northerly boundary of the said approach and continuing northerly along the easterly boundary of Airport Road to the high water mark on the southerly side of the North Arm of Fraser River; thence westerly along high water mark to the easterly limit of Marpole Bridge; thence northeasterly along the easterly limit of the said Marpole Bridge

**Aeronautics Act—continued**

to an intersection with the centre line of the North Arm of Fraser River Channel, being the boundary of the Municipality of Richmond and the City of Vancouver; thence north and westerly along the said municipal boundary towards open water to the westerly boundary of the Municipality of Richmond; thence southerly along the said westerly boundary of the said Municipality of Richmond to the point of commencement.

- (b) The approach surfaces abutting each end of the strip designated as 11-29, the strip designated as 08-26 and the strip designated 02-20 and extending outward therefrom, the dimensions of which approach surfaces are 600 feet on each side of the centre line of the strip at the strip ends and 2000 feet on each side of the projected centre line of the strip at the outer ends, the said outer ends being 200 feet above the elevations at the strip ends, and measured horizontally, 10,000 feet from the strip ends, with the following exceptions; the approach surface abutting the end of the strip designated as 08 where the dimensions are 600 feet on each side of the centre of the strip at the strip end and 1622 feet on each side of the projected centre line of the strip at the outer end, the said outer end being 146 feet above the elevation at the strip end, and measured horizontally, 7,300 feet from the strip end, and the approach surfaces abutting each end of the strip designated as 02-20, and extending outward therefrom, the dimensions of which approach surfaces are 600 feet on each side of the centre line of the strip at the strip ends and 1250 feet on each side of the projected centre line of the strip at the outer ends, the said outer ends being 200 feet and 250 feet respectively at the strip ends, and measured horizontally 10,000 feet from strip end 02 and bounded by the southerly limit of Sixty-fourth Avenue D.L. 325 and D.L. 324B, the westerly limit of Cartier Street D.L. 324B, the southerly limit of Sixty-seventh Avenue D.L. 324B and the westerly limit of Hudson Street D.L. 324B, all in the City of Vancouver from strip end 20; and
- (c) The several transitional surfaces, each rising at an angle determined on the basis of a ratio of one foot vertically for every seven feet measured horizontally from the outer lateral limits of the strips and their abutting surfaces;

as shown on Plan No. E.284 dated October 30th, 1953, of record in the Department of Transport at Ottawa.

(2) Where any building, structure or object on any land to which these regulations apply exceeds the limits in elevation specified in subsection (1), the Minister may order the owner or occupier of the land to remove, demolish or modify such building, structure or object or do any act or thing necessary to ensure that such building, structure or object complies with the limits in elevation so specified and may, in any such order, specify the time within which such removal, demolition, modification, act or thing shall be done.

5. No person shall operate or cause to be operated on any lands to which these regulations apply any machine, device, contrivance or thing after being notified by the Minister that, in the opinion of the Minister, the machine, device, contrivance or thing causes or is likely to cause, by the emission of light, smoke, noise or fumes, a hazard or obstruction to aircraft using the airport.

**Aeronautics Act—continued****Schedule, Part I****DESCRIPTION OF AIRPORT REFERENCE POINT—VANCOUVER AIRPORT,  
SEA ISLAND, BRITISH COLUMBIA**

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the centre line of strip 11-29, Vancouver Airport, Sea Island, British Columbia, South forty-four degrees fifteen minutes East (S.44° 15'E.).

COMMENCING at the northwest corner of Sketch Seven hundred and nineteen (719) in Section Twenty-six (26) Block Five (5) North, Range Seven (7), West, of record in the New Westminster Land Registry Office at New Westminster, British Columbia;

THENCE North eighty-nine degrees forty-seven minutes East (N. 89° 47' E.) along the southerly boundary of Miller Road, a distance of one thousand one hundred ninety-nine and thirteen hundredths feet (1199.13') more or less to its intersection with the northwesterly production of the centre line of strip 11-29 of Vancouver Airport, Sea Island, British Columbia.

THENCE South forty-four degrees fifteen minutes East (S. 44° 15' E.) along the said production and along the said centre line of strip 11-29 a distance of three thousand four hundred fourteen and twenty-one hundredths feet (3414.21') more or less to its intersection with the centre line of strip 08-26 of Vancouver Airport, Sea Island, British Columbia.

THENCE North eighty degrees eight minutes and thirty seconds West (N. 80° 08' 30" W.) along the said centre line of strip 08-26, a distance of two thousand feet (2000').

THENCE South nine degrees fifty-one minutes and thirty seconds West (S. 9° 51' 30" W.) a distance of four hundred and fifty feet (450') to a point henceforth designated as the Airport Reference Point, the said point having an assigned true elevation of thirteen feet (13') above Sea Level.

**Schedule, Part II****DESCRIPTION OF LANDS AFFECTED BY ZONING REGULATIONS AT VANCOUVER  
AIRPORT, SEA ISLAND, BRITISH COLUMBIA, AND LOCATED PARTLY IN  
THE MUNICIPALITY OF RICHMOND AND PARTLY IN  
THE CITY OF VANCOUVER**

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Municipality of Richmond, City of Vancouver and the Province of British Columbia and being more particularly described hereinafter as Parcels "A" and "B".

PREMISING that the bearings hereinafter mentioned are astronomical and are referred to the centre line of strip 11-29, Vancouver Airport, Sea Island, British Columbia, as South forty-four degrees fifteen minutes East (S. 44° 15' E.). PARCEL "A" lying in the Municipality of Richmond in the New Westminster Land Registration District being composed of the whole of Sections One (1), Two (2), Three (3), Four (4), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15),



**Aeronautics Act—continued**

and Sixteen (16), Block 4 North, Range 7 West; Sections Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Sixteen (16), Seventeen (17), and Eighteen (18), Block 4 North, Range 6 West; Sections Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Twenty-two (22), and Thirty-three (33), Block 5, North, Range 7 West; Sections Seven (7), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty-two (32), Thirty-three (33), and Thirty-four (34), Block 5 North, Range 6 West; District Lots Two Hundred thirty-six (236) (Ione Island), Three hundred nine (309), Five hundred twenty-nine (529), Five hundred thirty (530), Five thousand four hundred twenty-two (5422), Five thousand seven hundred nine (5709), and Five thousand seven hundred thirty-six (5736) and the whole of Richmond, Dinsmore and Pheasant Islands; and part of Sections Twenty-one (21), Twenty-six (26), Thirty (30), Thirty-five (35), Block 5 North, Range 6 West; part of Sections Twenty (20), Twenty-one (21), Twenty-three (23), Twenty-four (24), Twenty-seven (27), Twenty-eight (28), Thirty-four (34), Block 5 North, Range 7 West, whose outermost boundaries may be more particularly described as follows:

COMMENCING at the intersection of the westerly production of the northerly boundary of Blundell Road and the westerly boundary of the Municipality of Richmond; thence easterly along the said westerly production of the said northerly boundary of and along the northerly boundary of Blundell Road to an intersection with the westerly boundary of Garden City Road; thence northerly along the westerly boundary of Garden City Road to an intersection with the northerly boundary of Granville Avenue; thence easterly along the northerly boundary of Granville Avenue to an intersection with the westerly boundary of No. 4 Road; thence northerly along the westerly boundary of No. 4 Road to an intersection with the northerly boundary of New Westminster Highway; thence westerly along the northerly boundary of New Westminster Highway to an intersection with the easterly boundary of Garden City Road; thence northerly along the easterly boundary of Garden City Road to the northerly boundary of Section Three (3), Block 4 North, Range 6 West; thence easterly along the northerly boundary of the said Section Three (3) to the westerly boundary of No. 4 Road; then northerly along the westerly boundary of No. 4 Road for a distance of three hundred seventy and twenty-seven hundredths feet (370.27'); thence North nine degrees fifty-one minutes thirty seconds East ( $N.9^{\circ} 51' 30'' E.$ ) a distance of two thousand three hundred twenty-nine and fifty-six hundredths feet (2329.56'); thence North eighty-eight degrees six minutes forty seconds West ( $N.88^{\circ} 06' 40'' W.$ ) a distance of three hundred ninety-three and seventy-one hundredths feet (393.71') more or less to an intersection with the westerly boundary of No. 4 Road; thence northerly along the westerly boundary of No. 4 Road to an intersection with the southerly boundary of Bridgeport Road; thence westerly along the southerly boundary of Bridgeport Road to an intersection with the westerly boundary of Sexsmith Road; thence northerly along the westerly boundary of Sexsmith Road to an intersection with the southwesterly boundary of Douglas Street; thence northwesterly along the southwesterly boundary of Douglas Street to an intersection with the easterly high water mark of the Middle Arm of Fraser River; thence northeasterly along the said high water mark to the northerly limit of the Lulu Island Bridge; thence northwesterly along the northerly limit of the said bridge to the westerly high water mark of the Middle Arm of Fraser River, thence north-

**Aeronautics Act—Continued**

easterly along high water mark to the northerly boundary of the Lulu Island Bridge Approach; thence northwesterly along the northerly boundary of the said approach and continuing northerly along the easterly boundary of Airport Road to high water mark on the southerly side of the North Arm of Fraser River; thence westerly along high water mark to the easterly limit of Marpole Bridge; thence northeasterly along the easterly limit of the said Marpole Bridge to an intersection with the centre line of the North Arm of Fraser River channel, being the boundary of the Municipality of Richmond and the City of Vancouver; thence northwesterly along the said municipal boundary towards open water to the westerly boundary of the Municipality of Richmond; thence southerly along the westerly boundary of the said Municipality of Richmond to the point of commencement; where all lands, waters and roads enclosed by the above description are affected by the Vancouver Airport Zoning Regulations but excluding the whole of Lot Three (3) Plan six thousand seven hundred thirty-nine (6739) Section Twenty-one (21); Lots one to four inclusive Plan six hundred seven (607) and whole of Sketch seven thousand two hundred three (7203) Section Twenty-three (23); Lots Five (5) to eight (8) inclusive and the westerly half of Lot Four (4) Plan six hundred fifty-four (654) Section twenty-four (24); Lots eight and nine Plan five thousand eight hundred eighty-four (5884), Section Twenty-eight (28), Block 5 North, Range 7 West, and a 0.192 acre parcel as shown on Plan nine thousand six hundred twenty-nine (9629) being part of Dinsmore Island, and also excluding all lands and roads within the area whose outermost boundary is described as follows:

COMMENCING at a point being the intersection of the northerly boundary of Lot eight (8) Plan six hundred seventy-two (672) Section Twenty (20) Block 5 North, Range 7 West and high water mark of the Gulf of Georgia; thence southerly and easterly along high water mark to the westerly boundary of Martin Road; thence northerly along the westerly boundary of Martin Road to an intersection with the westerly production of the northerly boundary of Acme Road and Martin Road; thence easterly along the said westerly production and along the northerly boundary of Acme Road to an intersection with the easterly boundary of Cannery Road; thence southerly along the easterly boundary of Cannery Road to the northerly boundary of Lot one (1) Plan five thousand five hundred sixty-two (5562); thence easterly along the said northerly boundary of Lot 1 to a point being sixty-six (66) feet easterly from the westerly boundary of Lot seven (7) Plan five thousand eight hundred eighty-four (5884); thence southerly along a straight line parallel to the westerly boundary of the said Lot seven (7) to an intersection with the westerly production of the southerly boundary of Goulding Road; thence easterly along the said westerly production of the southerly boundary of Goulding Road to the easterly boundary of the aforementioned Lot 1 Plan five thousand five hundred sixty-two (5562); thence northerly along a straight line to the southwest corner of Lot seven (7) Plan five thousand eight hundred eighty-four (5884); thence easterly along the northerly boundary of Goulding Road to an intersection with the westerly boundary of Shannon Road; thence northerly along the westerly boundary of Shannon Road to the northerly boundary of Lot one (1) Plan five thousand eight hundred eighty-four (5884); thence easterly along a production easterly of the northerly boundary of the said Lot one (1) Plan five thousand eight hundred eighty-four (5884) to an intersection with the easterly boundary



**Aeronautics Act—continued**

of Shannon Road; thence southerly along the easterly boundary of Shannon Road to the northerly boundary of Sketch seven thousand seven hundred seventy-three (7773); thence southeasterly along the northerly boundary of the said Sketch seven thousand seven hundred seventy-three (7773) to easterly boundary of Sketch four thousand five hundred thirteen (4513); thence southerly along the easterly boundary of said Sketch four thousand five hundred thirteen (4513) to an intersection with high water mark of the Middle Arm of Fraser River; thence easterly along the said high water mark to the southerly boundary of Doherty Road; thence westerly along the southerly boundary of Doherty Road to an intersection with the southerly production of the easterly boundary of Lot A Plan five thousand five hundred sixty (5560); thence northerly along the said southerly production of the easterly boundary and continuing along the easterly boundary of the said Lot A to the northerly boundary of the said Lot A; thence easterly along the northerly boundary of the residue of Lot C Plan five thousand five hundred sixty (5560) to an intersection with its easterly boundary; thence northerly along the easterly boundary of the portion of Lot C obtained by Order-in-Council January 19, 1950 and continuing northerly and easterly along the boundary of Expropriation (Instrument eleven thousand one hundred sixty-seven (11167) ) to the southerly boundary of Miller Road; thence westerly along the southerly boundary of Miller Road to an intersection with the westerly boundary of Martin Road; thence northerly along the westerly boundary of Martin Road to the northerly boundary of Lot eight (8) Plan six hundred seventy-two (672); thence westerly along the northerly boundary of said Lot eight (8) to the point of commencement. All plans referred to in the above description are deposited in the New Westminster Land Registry Office at New Westminster, British Columbia.

Parcel "B"—Lying in the City of Vancouver in the Vancouver Land Registration District, being composed of the whole of District Lots Three hundred seven (307) and Five thousand nine hundred sixty-six (5966) and parts of District Lots three hundred eight (308), three hundred seventeen (317), three hundred eighteen (318), three hundred twenty-four B (324B), three hundred twenty-five (325) and five thousand two hundred fourteen (5214) whose outermost boundaries may be more particularly described as follows:

COMMENCING at the intersection of the southerly production of the westerly boundary of Lot three (3) Block sixteen (16) Plan five thousand seven hundred twenty-six (5726) and the Municipal boundary between the City of Vancouver and the Municipality of Richmond; thence northerly along the said production and along the westerly boundary of the said Lot three (3) to its northerly boundary; thence southeasterly along the said northerly boundary and production thereof to an intersection with the easterly boundary of Angus Drive; thence northerly along the easterly boundary of Angus Drive to an intersection with the southerly boundary of South West Marine Drive; thence southeasterly along the southerly boundary of South West Marine Drive to an intersection with the southerly production of the westerly boundary of Lot five (5) Plan five thousand eight hundred ninety (5890); thence northerly along said production and along the westerly boundary of the said Lot five (5) to its northerly boundary; thence easterly along the northerly boundary of the said Lot five (5) to an intersection with the westerly boundary of Lot eight (8);



**Aeronautics Act**—*continued*

thence northerly along the westerly boundary to its northerly boundary; thence easterly along the northerly boundary of the said Lot eight (8) to an intersection with the westerly boundary of the road allowance; thence northerly along the westerly boundary of the road allowance to an intersection with the southerly boundary of Sixty-eighth (68th) Avenue; thence easterly along the southerly boundary of Sixty-eighth (68th) Avenue to an intersection with the southerly production of the easterly boundary of East Boulevard; thence northwesterly along the said production and along the easterly boundary of East Boulevard to an intersection with the southerly boundary of Sixty-sixth (66th) Avenue; thence easterly along the southerly boundary of Sixty-sixth (66th) Avenue to an intersection with the easterly boundary of Adrea Street; thence northerly along the easterly boundary of Adrea Street to an intersection with the southerly boundary of Sixty-fourth (64th) Avenue; thence easterly along the southerly boundary of Sixty-fourth (64th) Avenue to an intersection with the westerly boundary of Cartier Street; thence southerly along the westerly boundary of Cartier Street to an intersection with the southerly boundary of Sixty-seventh (67th) Avenue; thence easterly along the southerly boundary of Sixty-seventh (67th) Avenue to an intersection with westerly boundary of Hudson Street; thence southerly along the westerly boundary of Hudson Street to an intersection with the southerly boundary of Seventieth (70th) Avenue; thence westerly along the southerly boundary of Seventieth (70th) Avenue to an intersection with the easterly boundary of Montcalm Street; thence southerly along the easterly boundary of Montcalm Street to an intersection with the southerly boundary of Seventy-first (71st) Avenue; thence westerly along the southerly boundary of Seventy-first (71st) Avenue to an intersection with the westerly boundary of Cartier Street; thence southerly along the westerly boundary of Cartier Street to an intersection with the southerly boundary of Seventy-second (72nd) Avenue; thence westerly along the southerly boundary of Seventy-second (72nd) Avenue to an intersection with the easterly boundary of Granville Street thence southerly along the easterly boundary of Granville Street to an intersection with the production of the easterly boundary of Milton Street; thence southwesterly and southerly along the said production of the easterly boundary of Milton Street and along the easterly boundary of Milton Street and production thereof to an intersection with the southerly boundary of Seventy-fifth (75th) Avenue; thence westerly along the southerly boundary of Seventy-fifth (75th) Avenue to the westerly boundary of Parcel K Sketch two thousand one hundred eighty-one (2181): thence southerly along the said westerly boundary of the said Parcel K and production thereof southerly to an intersection with the Municipal boundary between the City of Vancouver and the Municipality of Richmond; thence northwesterly along the said Municipal boundary to the point of commencement, where all lands, waters and roads enclosed by the above description are affected by the Vancouver Airport Zoning Regulations. All plans and sketches referred to in the above description of Parcel "B" are of record in the Vancouver Land Registry Office at Vancouver, British Columbia.

**Aeronautics Act—continued**

**(c) Saskatoon Airport Zoning Regulations**

P.C. 1954-1822

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to section 4 of the Aeronautics Act, is pleased to approve the annexed "Saskatoon Airport Zoning Regulations" relating to the navigation of aircraft at and the use and operation of the Saskatoon Airport, Saskatchewan, and the said regulations are hereby approved and established, accordingly.

THE SASKATOON AIRPORT ZONING REGULATIONS

1. These regulations may be cited as the *Saskatoon Airport Zoning Regulations*.

2. In these regulations,

- (a) "airport" means Saskatoon Airport in the Province of Saskatchewan;
- (b) "airport reference point" means the point fixed by these regulations as the centre of the airport, the assigned elevation of which is deemed, for the purposes of these regulations, to be 1625 feet A.S.L.;
- (c) "approach surface" means an imaginary inclined plane the lower end of which is a horizontal line at right angles to the centre line of the strip and passing through a point at the strip end on the centre line of the strip;
- (d) "horizontal surface" means an imaginary horizontal plane centering on and located 150 feet above the assigned elevation of the airport reference point;
- (e) "Minister" means the Minister of Transport;
- (f) "strip" means a rectangular portion of the landing area of the airport, 1200 feet in width, including the runway, especially prepared for the take-off and landing of aircraft in a particular direction; and
- (g) "transitional surface" means an imaginary inclined plane extending upward and outward from the outer lateral limits of the strip and its approach surface to an intersection with the horizontal surface or other transitional surfaces.

3. These regulations apply to all lands adjacent to or in the vicinity of Saskatoon Airport, Saskatoon, Saskatchewan, including public road allowances, as more particularly described in the Schedule hereto.

4. (1) No person shall erect or construct, on any land to which these regulations apply, any building, structure or object or any addition to any

**Aeronautics Act—continued**

existing building, structure or object, the highest point of which exceeds in elevation the elevation at that point of such of the surfaces hereinafter described as projects immediately over and above the surface of the land upon which such building, structure or object is located, namely:

- (a) A horizontal surface, the outer limit of which may be described as follows: Commencing at the southwest corner of Section One (1), Township Thirty-seven (37), Range Six (6), West of the Third (3rd) Meridian; thence southerly along the easterly boundary of Twentieth Avenue to the northerly boundary of Thirty-second Street; thence easterly along the northerly boundary of Thirty-second Street to the easterly boundary of Sixteenth Avenue; thence southerly along the easterly boundary of Sixteenth Avenue to the northerly boundary of Thirty-first Street; thence easterly along the said northerly boundary of Thirty-first Street to an intersection with the easterly boundary of the Northwest Quarter of Section Thirty-six (36), Township Thirty-six (36), Range Six (6), West of the Third Meridian; thence southerly along the easterly boundary of the Northwest Quarter of Section Thirty-six (36) to the Northerly boundary of Legal Subdivision Ten (10) of the said Section Thirty-six (36); thence easterly along the northerly boundary of Legal Subdivisions Ten (10) and Nine (9) to the northeast corner of said Legal Subdivision Nine (9); thence southerly along the easterly boundary of Legal Subdivision Nine (9) to the southeast corner of said Legal Subdivision Nine (9) of Section Thirty-six (36), Township Thirty-six (36), Range Six (6), thence easterly and along the south boundary of the North half of Section Thirty-one (31), Township Thirty-six (36), Range Five (5), West of the Third Meridian and continuing along the northerly boundary of Twenty-eighth Street to a production northerly of the easterly boundary of Avenue N; thence southerly along the said easterly boundary of Avenue N to the southerly boundary of Bedford Road; thence easterly along the southerly boundary of Bedford Road to the westerly boundary of Avenue E; thence southerly along the westerly boundary of Avenue E to a production westerly of the northerly boundary of Twenty-fifth Street; thence easterly along the said northerly boundary of Twenty-fifth Street to the westerly boundary of Avenue A; thence northerly along the said westerly boundary of Avenue A to a production westerly of the southerly boundary of Lot D, Plan B.V. 6120; thence easterly along the southerly boundary of Lot D, Plan B.V. 6120 and continuing easterly along the southerly boundary of Lot H, Plan E.C. 7009 to the southeasterly corner of Lot G, Plan C.R. 3112; thence northerly along the easterly boundary of Lot G, Plan C.R. 3112 to the northerly boundary of Section Thirty-three (33), Township Thirty-six (36), Range Five (5), West of the Third Meridian; thence easterly along the northerly boundary of Section 33 to an intersection with the southerly production of the easterly boundary of Plan E. 5805; thence northerly along the easterly boundary of Plan E. 5805 to an intersection with the southerly boundary of Legal Subdivision Four (4), Section Ten (10), Township Thirty-seven (37), Range Five (5), West of the Third Meridian; thence easterly along the said southerly boundary of Legal Subdivision Four (4) of Section Ten (10) to the westerly boundary of Legal



**Aeronautics Act—continued**

Subdivision Three (3) of Section Ten (10); thence northerly along the westerly boundary of Legal Subdivision Three (3) of Section Ten (10) to its northerly boundary; thence easterly along the northerly boundary of Legal Subdivisions Three (3) and Two (2) to the westerly boundary of Legal Subdivision Eight (8) of Section Ten (10); thence northerly along the westerly boundary of Legal Subdivision Eight (8) to its northerly boundary; thence easterly along the northerly boundary of Legal Subdivision Eight (8) to its easterly boundary; thence northerly along the easterly boundary of Section Ten (10) and production thereof to the southerly boundary of Section Fifteen (15), thence westerly along the southerly boundary of Section Fifteen (15) to the easterly boundary of the West half of the said Section Fifteen (15); thence northerly along the easterly boundary of the West half of Section Fifteen (15) to the southerly boundary of Section Twenty-two (22); thence westerly along the southerly boundary of Section twenty-two (22) to its west boundary; thence northerly along the westerly boundary of Section Twenty-two (22) to an intersection with the easterly production of the southerly boundary of Legal Subdivision Nine (9) of Section Twenty-one (21); thence westerly along the southerly boundary of Legal Subdivision Nine (9) of Section Twenty-one (21) to its northerly boundary; thence northerly along the westerly boundary of Legal Subdivision Nine (9) of Section Twenty-one (21) to its northerly boundary; thence westerly along the southerly boundary of Legal Subdivision Fifteen (15) of Section Twenty-one (21) to its westerly boundary; thence northerly along the westerly boundary of Legal Subdivision Fifteen (15) of Section Twenty-one (21) and production thereof to the southerly boundary of Section Twenty-eight (28); thence westerly along the southerly boundary of Section Twenty-eight (28) and production thereof to the easterly boundary of Legal Subdivision One (1) of Section Twenty-nine (29); thence northerly along the easterly boundary of Legal Subdivision One (1) of Section Twenty-nine (29) to its northerly boundary; thence westerly along the northerly boundaries of Legal Subdivisions One (1), Two (2), Three (3), and Four (4) of Section Twenty-nine (29) and continuing along the northerly boundaries of Legal Subdivisions One (1), Two (2), Three (3) and Four (4) of Section Thirty (30), and continuing along the northerly boundaries of Legal Subdivisions One (1) and Two (2) of Section Twenty-five (25), Township Thirty-seven (37), Range Six (6), West of the Third Meridian to the westerly boundary of Legal Subdivision Two (2) of Section Twenty-five (25); thence southerly along the westerly boundary of said Legal Subdivision Two (2) of Section Twenty-five (25), and continuing southerly along the easterly boundary of Legal Subdivision Fourteen (14) of Section Twenty-four (24) to its southerly boundary; thence westerly along the northerly boundaries and production thereof of Legal Subdivisions Eleven (11) and Twelve (12) of Section Twenty-four (24) to the easterly boundary of Section Twenty-three (23); thence southerly along the easterly boundary of Section Twenty-three (23) to the northerly boundary of Legal Subdivision One (1) of Section Twenty-three (23); thence westerly along the northerly boundaries of Legal Subdivisions One (1), Two (2), Three (3), and Four (4)

**Aeronautics Act—continued**

of Section Twenty-three (23) to the westerly boundary of Legal Subdivision Four (4) of Section Twenty-three (23); thence southerly along the westerly boundary and production thereof of Legal Subdivision Four (4) of Section Twenty-three (23) to the northerly boundary of Plan E.D. 4616; thence easterly along the northerly boundary of Plan E.D. 4616 to its easterly boundary; thence southerly along the easterly boundary of said Plan E.D. 4616 to its southerly boundary; thence westerly along the southerly boundary of Plan E.D. 4616 to the westerly boundary of section Fourteen (14); thence southerly along the westerly boundary of Section Fourteen (14) to the northerly boundary of Legal Subdivision Four (4) of Section Fourteen (14); thence easterly along the northerly boundaries of Legal Subdivisions Four (4) and Three (3) of Section Fourteen (14) to the easterly boundary of Legal Subdivision Three (3) of Section Fourteen (14); thence southerly along the easterly boundary of Legal Subdivision Three (3) of Section Fourteen (14) and continuing southerly along the westerly boundary of the east half of Section Eleven (11) to the northerly boundary of Section Two (2); thence easterly along the northerly boundary of Section Two (2) to the Westerly boundary of Legal Subdivision Sixteen (16) of Section Two (2); thence southerly along the westerly boundaries of Legal Subdivisions Sixteen (16), Nine (9), Eight (8) and One (1) to the southerly boundary of Legal Subdivision One (1), Section Two (2), Township Thirty-seven (37), Range Six (6), West of the Third Meridian; thence easterly along the southerly boundary of Legal Subdivision One (1) and production thereof to the point of commencement.

- (b) The approach surfaces abutting each end of the strip designated as 08-26, the strip designated as 14-32 and the strip designated as 02-20, and extending outward therefrom, the dimensions of which approach surfaces are Six Hundred (600) feet on each side of the centre line of the strip at the strip ends and Two thousand (2,000) feet on each side of the projected centre line of the strip at the outer ends, the said outer ends being Two Hundred (200) feet above the elevations at the strip ends, and measured horizontally Ten Thousand (10,000) feet from the strip ends; and
- (c) the several transitional surfaces, each rising at an angle determined on the basis of a ratio of one foot vertically for every seven feet measured horizontally from the outer lateral limits of the strips and their abutting surfaces;

as shown on Plan No. E.345 dated August 12, 1954, of record in the Department of Transport at Ottawa.

(2) Where any building, structure or object on any land to which these regulations apply exceeds the limits in elevation specified in subsection (1), the Minister may order the owner or occupier of the land to remove, demolish or modify such building, structure or object or do any act or thing necessary to ensure that such building, structure or object complies with the limits in elevation so specified and may, in any such order, specify the time within which such removal, demolition, modification, act or thing shall be done.

5. No person shall operate or cause to be operated on any lands to which these regulations apply, any machine, device, contrivance or thing

**Aeronautics Act—continued**

after being notified by the Minister that, in the opinion of the Minister, the machine, device, contrivance or thing causes or is likely to cause, by the emission of light, smoke, noise or fumes, a hazard or obstruction to aircraft using the airport.

**Schedule Part I**

DESCRIPTION OF AIRPORT REFERENCE POINT—

SASKATOON AIRPORT, SASKATOON, SASKATCHEWAN

Premising that the bearings hereinafter mentioned are astronomical and are referred to the centre line of strip 08-26, Saskatoon Airport, Saskatoon, Saskatchewan, as South Seventy-nine degrees, one minute, twenty seconds East (S. 79°01'20" E.): COMMENCING at the northeast corner of the southeast quarter of Section Thirteen (13), Township Thirty-seven (37), Range Six (6), West of the Third Meridian; THENCE South along the easterly boundary of the said southeast quarter of Section Thirteen (13) a distance of five hundred ninety-nine and six-tenths feet (599.6) more or less to an intersection with the westerly production of the centre line of strip 08-26 of Saskatoon Airport;

THENCE South seventy-nine degrees, one minute, twenty seconds East (S. 79°01'20" E.) along the said westerly production of the centre line of strip 08-26, a distance of three thousand seven and nine-tenths feet more or less (3007.9) to an intersection with the centre line of strip 14-32 of Saskatoon Airport.

THENCE South forty-nine degrees, one minute, twenty seconds East (S. 49°01'20" E.) a distance of two thousand eight hundred (2800) feet to a point henceforth designated as the Airport Reference Point, the point having an assigned elevation of one thousand six hundred twenty-five feet (1625') above Sea Level.

**Schedule Part II**

DESCRIPTION OF LANDS AFFECTED BY ZONING REGULATIONS AT

SASKATOON AIRPORT, SASKATOON, SASKATCHEWAN

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being partly in the Rural Municipality of Cory No. 344 and partly in the City of Saskatoon in the Province of Saskatchewan and composed of part of Section Thirty-six (36), Township Thirty-six (36), Range Six (6), West of the Third Meridian; part of Sections Thirty-one (31), Thirty-two (32) and Thirty-three (33), Township Thirty-six (36), Range Five (5), West of the Third Meridian; the whole of Sections Five (5), Six (6), Nine (9), Sixteen (16), Nineteen (19) and Twenty (20) and part of Sections Four (4), Seven (7), Eight (8), Ten (10), Fifteen (15), Seventeen (17), Eighteen (18), Twenty-one (21), Twenty-nine (29) and Thirty (30), Township Thirty-seven (37), Range Five (5), West of the Third Meridian and the whole of Sections One (1), Twelve (12), and Thirteen (13) and part of Sections Two (2), Eleven (11), Fourteen (14), Twenty-three (23), Twenty-four (24) and Twenty-five (25), Township Thirty-



**Aeronautics Act**—*continued*

seven (37), Range Six (6), West of the Third Meridian, whose outermost boundaries are described as the horizontal surface limits in the attached Saskatoon Airport Zoning Regulations in section four (4), paragraph (1), subsection (a) where all lands, waters and roads enclosed by the boundaries of the description are affected by the Saskatoon Airport Zoning Regulations but excluding all lands, waters and roads therefrom within the area whose outermost boundary is described at follows:

COMMENCING at the southwest corner of the East half of the Southwest Quarter of Section Seven (7), Township Thirty-seven (37), Range Five (5), West of the Third Meridian; thence northerly along the westerly boundary of the said East half of the Southwest Quarter of Section (7) to the northerly boundary of the said Southwest Quarter of Section Seven (7); thence westerly along the said northerly boundary of the Southwest Quarter of Section Seven (7) to the easterly boundary of Ottawa Avenue, Plan No. G.375; thence northerly along the easterly boundary of Ottawa Avenue to the southerly boundary of Forty-seventh (47th) Street; thence easterly along the southerly boundary of Forty-seventh (47th) Street to the easterly boundary of Montreal Avenue; thence northerly along the easterly boundary of Montreal Avenue and production thereof to the southerly boundary of the Southwest Quarter of Section Eighteen (18); thence westerly along the southerly boundary of the Southwest Quarter of Section Eighteen (18) to its westerly boundary; thence northerly along the westerly boundary of the Southwest Quarter of Section Eighteen (18), to its northerly boundary; thence easterly along the northerly boundary of the Southwest Quarter of Section Eighteen (18) to the westerly boundary of Plan E.K. 4886; thence northerly along the westerly boundary of Plan E.K. 4886 to its northerly boundary; thence easterly along the northerly boundary of Plan E.K. 4886 to the westerly boundary of the Northeast Quarter of Section Eighteen; thence northerly along the westerly boundary of the Northeast Quarter of Section Eighteen (18) to the southerly limit of forced road described in Certificate of Title No. 212-R-51; thence easterly along said limit to a point four hundred and thirty (430) feet from the easterly boundary of Section Eighteen (18); thence northerly on a line parallel to the easterly boundary of Section Eighteen (18) for eight hundred and sixty (860) feet; thence easterly on a line parallel to the northerly boundary of Section Eighteen (18) to the easterly boundary of Section Eighteen (18); thence southerly along the easterly boundary of Section Eighteen (18) to the southeast corner of the Northeast Quarter of Section Eighteen (18); thence easterly along the production westerly of the northerly boundary of the South half of Section Seventeen (17) and continuing along the said northerly boundary of the South half of Section Seventeen (17) to its easterly boundary; thence southerly along the easterly boundary of Section Seventeen (17) and continuing southerly along the easterly boundary of Section Eight (8) to a point four hundred (400) feet distant from the southeast corner of said Section Eight (8); thence westerly on a line parallel to the southerly boundary of Section Eight (8) for a distance of nine hundred and twenty-four (924) feet; thence southerly on a line parallel to the easterly boundary of Section Eight (8) to the southerly boundary of Section Eight (8); thence westerly along the southerly boundary of Section Eight (8) to the easterly boundary of Plan No. D.X. 5301; thence northerly along the easterly boundary of Plan D.X. 5301 to its northerly boundary; thence westerly along the northerly boundary of Plan No. D.X. 5301 to its westerly boundary; thence southerly along the westerly boundary of Plan No. D.X. 5301 to the southerly boundary of

**Aeronautics Act—continued**

Section Eight (8); thence westerly along the southerly boundary of Section Eight (8) and continuing westerly along the southerly boundary of Section Seven (7) to the point of commencement. All plans referred to in the above description are deposited in the Land Titles Office at Saskatoon, Saskatchewan.

**4. Air Navigation Orders**

Pursuant to the authority vested in me by sub-section (2) of section 4 of the Aeronautics Act and the Air Regulations, I hereby order as follows:

1. The following Air Navigation Orders made by the Minister of Transport are revoked:

- (a) No. 1 "Aircraft Nationality and Registration Marks";
- (b) Series III, No. 2, "Aerodromes, Unlicensed, Markings";
- (c) Series V, No. 1, "Special VFR Flight";
- (d) Series V, No. 2, "Cruising Altitudes";
- (e) Series V, No. 3, "Weather Minima for VFR Flight";
- (f) Series V, No. 4, "IFR Flight Plan Contents";
- (g) Series V, No. 5, "Procedures, Air-Ground Communication Failure IFR";
- (h) Series V, No. 6, "Distress, Urgency and Safety Signals";
- (i) Series V, No. 7, "Visual Ground Signals";
- (j) Series V, No. 8, "Weather Minima, Alternate Airports";

2. The following Air Navigation Orders are established in substitution for the Orders hereby revoked:

- (a) Series II, No. 1, "Aircraft Nationality and Registration Marks";
- (b) Series III, No. 1, "Aerodromes, Unlicensed, Markings";
- (c) Series V, No. 1, "Special VFR Flight";
- (d) Series V, No. 2, "Cruising Altitudes";
- (e) Series V, No. 3, "Weather Minima for VFR Flight";
- (f) Series V, No. 4, "IFR Flight Plan Contents";
- (g) Series V, No. 5, "Procedures, Air-Ground Communication Failure, IFR";
- (h) Series V, No. 6, "Distress, Urgency and Safety Signals";
- (i) Series V, No. 7, "Visual Ground Signals";
- (j) Series V, No. 8, "Weather Minima, Alternate Airports".

GEORGE C. MARLER,  
*Minister of Transport.*

December 31, 1954.

**AIR NAVIGATION ORDER, SERIES II, No. 1**

**AIRCRAFT NATIONALITY AND REGISTRATION MARKS**

*Location of Nationality and Registration Marks*

1. The aircraft nationality and registration marks required by section 218 of the Air Regulations shall be painted on the aircraft or affixed by any other means ensuring a similar degree of permanence in the manner herein prescribed.

**Aeronautics Act—continued**

2. The nationality marks shall be separated by a hyphen from the registration marks and shall precede them.

*Lighter-Than-Air Aircraft*

3. (1) On an airship the marks shall appear either
- (a) on the hull, located lengthwise on each side of the hull and also on its upper surface on the line of symmetry; or
  - (b) on the stabilizer surfaces, located on the horizontal and vertical stabilizers; the marks on the horizontal stabilizers shall be located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters toward the leading edge; the marks on the vertical stabilizer shall be located on each side of the bottom half stabilizer, with the letters placed horizontally.

(2) On a spherical balloon the marks shall appear in two diametrically opposite places near the maximum horizontal circumference of the balloon.

(3) On a non-spherical balloon the marks shall appear on each side near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

4. On all lighter-than-air aircraft the side marks shall be visible both from the sides and from the ground.

*Heavier-Than-Air Aircraft*

5. (1) On heavier-than-air aircraft the marks shall be located
- (a) on the wings, and
  - (b) on the fuselage or equivalent structure or on the vertical tail surfaces.

(2) On the wings the marks shall appear once on the upper surface and once on the lower surface of the wing structure with the tops of the letters towards the leading edge of the marks located, so far as possible, equidistant between the leading and trailing edges; and the marks shall either extend across the whole or both the upper and lower surfaces or be located on the right half of the upper surface and on the left half of the lower surface.

(3) When the marks appear on the fuselage or equivalent structure they shall be located on both sides between the wings and tail surface.

(4) When the marks appear on vertical tail surfaces they shall be located on the upper halves; on a single tail surface they shall appear on both vertical sides; on multi tail surfaces they shall appear on the outboard sides of the outer vertical surfaces.

6. Where a heavier-than-air aircraft does not have parts corresponding to those referred to in section 5, the marks shall appear in a manner such that the aircraft can be readily identified.

*Experimental Aircraft*

7. Aircraft flown only for experiment or test shall display the letter "X" following the nationality and registration marks, preceded by a hyphen.

*Measurements of Nationality and Registration Marks*

8. The letters in each separate group of marks shall be of equal height.



**Aeronautics Act—continued**

*Lighter-Than-Air Aircraft*

9. The height of the marks on lighter-than-air aircraft shall be at least twenty inches (fifty centimetres).

*Heavier-Than-Air Aircraft*

10. (1) On the wings the height of the marks shall be at least twenty inches (fifty centimetres).

(2) On the fuselage, or equivalent structure, the marks shall not interfere with the visible outlines of the fuselage (or equivalent structure).

(3) On vertical tail surfaces the marks shall be such as to leave at least a margin of two inches (five centimetres) along each edge of any vertical tail surface. Within these stipulations the marks shall be as large as practicable except that this clause shall not be interpreted as requiring the use of marks exceeding six inches (fifteen centimetres) in height.

11. Where a heavier-than-air aircraft does not have parts corresponding to those referred to in section 10, the measurements of the marks shall be such that the aircraft can be readily identified.

*Type of Characters for Nationality and Registration Marks*

12. (1) The letters shall be capital letters in Roman characters without ornamentation.

(2) The width of each letter, except the letter I, and the length of the hyphens shall be two-thirds of the height of a letter.

(3) The letters and hyphens shall be formed by solid lines and of a colour contrasting clearly with the background; the thickness of the lines shall be one-sixth of the height of a letter.

(4) Letters and hyphens shall be separated from one another by spaces of not less than one-quarter of the width of a letter.

TABLE I.—CLASSIFICATION OF AIRCRAFT

Aircraft	Lighter-than-air aircraft	Non-power driven balloon	Free balloon	<ul style="list-style-type: none"> <li>Spherical free balloon</li> <li>Non-spherical free balloon</li> </ul>
			Captive balloon	<ul style="list-style-type: none"> <li>Spherical captive balloon</li> <li>Non-spherical captive balloon*</li> </ul>
		Power-driven	Airship	<ul style="list-style-type: none"> <li>Rigid airship</li> <li>Semi-rigid airship</li> <li>Non-rigid airship</li> </ul>
	Heavier-than-air aircraft	Non-power driven	Glider	Land glider
			Kite§	Sea glider†
		Power-driven	Aeroplane	<ul style="list-style-type: none"> <li>Landplane‡</li> <li>Seaplane†</li> <li>Amphibian†</li> </ul>
			Gyroplane	<ul style="list-style-type: none"> <li>Land gyroplane‡</li> <li>Sea gyroplane†</li> <li>Amphibian gyroplane†</li> </ul>
			Helicopter	<ul style="list-style-type: none"> <li>Land helicopter‡</li> <li>Sea helicopter†</li> <li>Amphibian helicopter†</li> </ul>
			Ornithopter	<ul style="list-style-type: none"> <li>Land ornithopter‡</li> <li>Sea ornithopter†</li> <li>Amphibian ornithopter†</li> </ul>

\* Generally designated "kite-balloon".

† "Float" or "boat" may be added as appropriate.

‡ Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land").

§ For the purpose of completeness only.

**Aeronautics Act—continued**

## AIR NAVIGATION ORDER, SERIES III, No. 1

*Aerodromes, Unlicensed, Markings*

When markings are placed on any area of land or water that may be used as an aerodrome but has not been licensed, they shall be as follows:

- (a) the wind cone shall be coloured international orange only,
- (b) boundary markers shall be coloured international orange only or, in winter, may be evergreen trees or boughs; and
- (c) unserviceable areas shall be marked with red flags.

## AIR NAVIGATION ORDER, SERIES V, No. 1

*Special VFR Flight*

1. When authorization is obtained from the appropriate air traffic control unit, flight may be undertaken, within control zones only, in IFR weather conditions without complying with the instrument flight rules; such flight may be authorized under the following conditions:

- (a) aircraft without radio may be operated when the ceiling is not less than 800 feet and the visibility is not less than one mile, provided the aircraft shall remain within sight of the control tower at all times;
- (b) aircraft equipped with receiver only may be operated when the ceiling is not less than 800 feet and the visibility is not less than one mile, and
- (c) aircraft equipped with functioning two-way radio may be operated in weather conditions having at least the following limits:
  - (i) ceiling 500 feet; ground visibility 3 miles;
  - (ii) ceiling 600 feet; ground visibility 2 miles; or
  - (iii) ceiling 700 feet; ground visibility 1 mile.

2. Aircraft operating in accordance with the provisions of section 1 shall remain clear of cloud and within sight of the ground at all times.

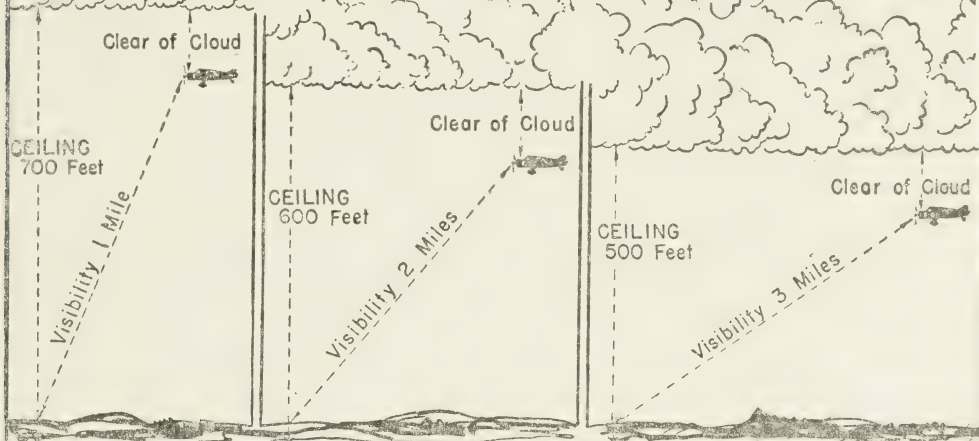
3. While in flight, a pilot may request permission for Special VFR flight, by radio, and may be authorized to enter a control zone, provided that there is compliance with the conditions and requirements of this Order.

4. An air traffic clearance authorizing special VFR flight does not relieve the pilot of the responsibility for,

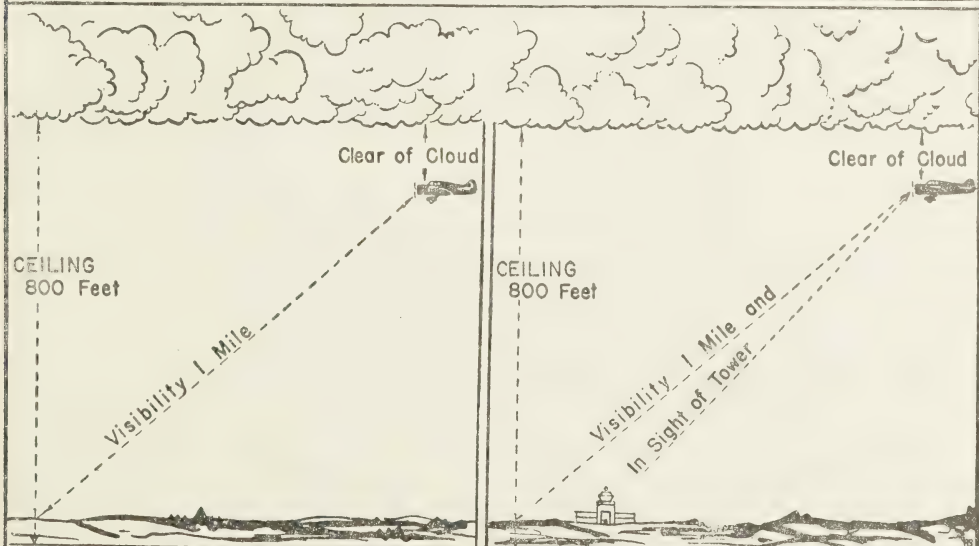
- (a) complying with all applicable Air Regulations,
- (b) avoiding other aircraft,
- (c) avoiding weather conditions beyond his own flying capabilities, or
- (d) avoiding weather conditions beyond the capabilities of the aircraft.

# WEATHER MINIMA FOR SPECIAL VFR FLIGHT

(WITHIN CONTROL ZONES ONLY)



## AIRCRAFT WITH 2-WAY RADIO



ONLY AIRCRAFT

NORDO - AIRCRAFT



**Aeronautics Act—continued**

## AIR NAVIGATION ORDER, SERIES V, No. 2

## CRUISING ALTITUDES

*VFR Flight*

1. In VFR flight, when flying between 3,500 feet above ground and 25,000 feet above sea level, aircraft shall be operated

- (a) within designated airways, control zones and air routes, at the even or odd thousand foot level appropriate to the direction of flight as set forth in Table I;
- (b) across designated airways or air routes,
  - (i) at an altitude of 500 feet above an even or odd thousand foot level, and
  - (ii) at an angle of at least forty-five degrees to the airway or air route and with a minimum of delay, and
- (c) elsewhere, at night, at the altitude level appropriate to the direction of flight as set forth in Table II.

2. In VFR flight, when flying below 3,500 feet above the ground, an aircraft in level cruising flight shall, in so far as possible, be operated as prescribed in paragraphs (a) and (b) of section 1.

*IFR Flight*

3. In IFR flight, within designated airways or air routes, aircraft shall be operated

- (a) under IFR weather conditions, unless otherwise authorized by air traffic control, at the even or odd thousand foot level appropriate to the direction of flight as set forth in Table I; and
- (b) under VFR weather conditions, at the even or odd thousand foot level appropriate to the direction of flight as set forth in Table I.

4. In IFR flight, elsewhere than within designated airways or air routes, aircraft shall be operated at the altitude level appropriate to the direction of flight as set forth in Table II.

TABLE I

*Green or Red Airways or Air Routes*

Eastbound—Odd thousand foot levels (3,000, 5,000, etc.)

Westbound—Even thousand foot levels (2,000, 4,000, etc.)

*Amber or Blue Airways or Air Routes*

Northbound—Odd thousand foot levels (3,000, 5,000, etc.)

Southbound—Even thousand foot levels (2,000, 4,000, etc.)

TABLE II

*Magnetic Track**Cruising Altitudes*

000°—089° inclusive—Odd thousands of feet (3,000, 5,000, etc.)

090°—179° inclusive—Odd thousands of feet  
plus 500 feet (1,500, 3,500, etc.)

180°—269° inclusive—Even thousands of feet (2,000, 4,000, etc.)

270°—359° inclusive—Even thousands of feet  
plus 500 feet (2,500, 4,500, etc.)

## NOTE:

All Altitudes in Tables I and II are ABOVE MEAN SEA LEVEL.

**Aeronautics Act—continued**

AIR NAVIGATION ORDER, SERIES V, No. 3

WEATHER MINIMA FOR VFR FLIGHT

*Controlled Airspace*

1. The weather minima for VFR flights in controlled airspace are as follows:

(a) *Within Control Zone*, unless otherwise authorized by an air traffic control unit:

- (i) ground visibility —3 miles,
- (ii) distance from cloud —500 feet vertically,  
1 mile horizontally,
- (iii) distance from ground or water —500 feet vertically; and

(b) *Within Control Areas*:

- (i) flight visibility —3 miles,
- (ii) distance from cloud —500 feet vertically,  
1 mile horizontally.

*Elsewhere*

2. The weather minima for VFR flights elsewhere than in controlled airspace are as follows:

(a) At or above 700 feet from the ground or water:

- (i) flight visibility —1 mile,
- (ii) distance from cloud —500 feet vertically,  
2,000 feet horizontally; and

(b) Below 700 feet from the ground or water:

- (i) flight visibility —1 mile,
- (ii) distance from cloud —clear of cloud.

*Special Area*

3. Within that portion of British Columbia and adjoining coastal waters as defined hereunder and exclusive of control areas and control zones, the visibility minimum for flight under the Visual Flight Rules is established as 2 miles rather than 1 mile minimum applicable elsewhere:

over that area in British Columbia which can be generally described as being West of the ridge of the Coast Mountains to and including Vancouver Island and the Queen Charlotte Islands, and more precisely defined as that area within a boundary beginning at a point of origin on the United States—Canadian boundary at Longitude 122°00'W. and approximately Latitude 49°00'N., thence via successive great circles to Latitude 50°00'N. Longitude 123°00'W. to Latitude 51°00'N. Longitude 125°00'W. thence via a great circle through a point at Latitude 55°52'N. Longitude 130°00'W. to the Alaska-Canadian boundary thence southward following this boundary to its terminus at approximately Latitude 54°42'30"N. Longitude 130°36'30"W. thence via a great circle to Latitude 54°40'N. Longitude 131°10'W. thence due south to Latitude 54°20'N. Longitude 131°10'W. thence due west to Latitude 54°20'N. Longitude 133°20'W. following successive great circles to Latitude 53°55'N. Longitude 133°25'W. to Latitude 53°00'N. Longitude 132°50'W. to Latitude 51°50'N. Longitude 131°10'W. to Latitude 50°50'N. Longitude 129°00'W. to Latitude 50°00'N. Longitude 128°10'W. to Latitude 48°30'N. Longitude 125°00'W. to the terminus of the United States-Canadian boundary in Juan de Fuca Strait at Latitude 48°29'38"N. Longitude 124°43'35"W. thence easterly following the United States-Canadian boundary to the point of origin.

**Aeronautics Act**—*continued*

## AIR NAVIGATION ORDER, SERIES V, No. 4

*IFR Flight Plan Contents*

An IFR flight plan shall contain at least the following information:

- (i) the flight or aircraft identification and radio call sign, if different from the flight or aircraft identification;
- (ii) the type of aircraft or, in the case of a formation flight, the types and number involved;
- (iii) the name of the pilot or, in the case of a formation flight, the name of the formation commander;
- (iv) the point of departure, (or position of aircraft, if the flight plan is filed en route);
- (v) the cruising altitude or altitudes and the route to be followed;
- (vi) the point of first intended landing;
- (vii) the proposed true air speed at cruising altitude;
- (viii) the radio transmitting and receiving frequencies to be used;
- (ix) navigation and approach aids carried in the aircraft;
- (x) the proposed time of departure;
- (xi) the estimated elapsed time until arrival over the point of first intended landing;
- (xii) the amount of fuel on board expressed in hours;
- (xiii) the pilot's instrument rating;
- (xiv) the alternate aerodrome or aerodromes;
- (xv) the name and address of the owner of the aircraft;
- (xvi) the pilot's certificate number;
- (xvii) the number of persons on board;
- (xviii) remarks; any other pertinent information which the pilot or air traffic control deems necessary for air traffic control purposes.

## AIR NAVIGATION ORDER, SERIES V, No. 5

*Procedures, Air-Ground Communication Failure, IFR*

1. (1) If the pilot is unable to maintain two-way communication with air traffic control during a flight operating in or entering a control area or control zone, he shall comply with the procedures of this Order except when:

- (a) appropriate instructions to cover an anticipated failure have been received from air traffic control; or
- (b) the nature of the failure is such that it will be of short duration and the pilot has no reason to believe that during this period there will be any deviation from the flight plan and clearances received.

(2) Nothing in subsection (1) affects the obligation to obtain an air traffic control clearance before entering a control zone or a control area as prescribed by the Air Regulations.

2. If the flight is operating in VFR weather conditions when the failure occurs or if VFR weather conditions are subsequently encountered, the pilot shall:

- (a) continue to fly in VFR weather conditions; and
- (b) land at a suitable airport.



**Aeronautics Act—continued**

3. In IFR weather conditions, if the procedure in section 2 cannot be followed, the pilot shall:

- (a) proceed in accordance with the flight plan as amended by clearance and instructions received and acknowledged, maintaining the minimum en route IFR altitude or the acknowledged assigned altitude, whichever is higher, to the airport of intended landing;
- (b) arrange the flight so as to arrive as closely as possible to his estimated time of arrival;
- (c) if instructed to hold at a point other than the destination airport but no time for departing from the holding point was specified, depart from the holding point in time to arrive over the destination at the last acknowledged assigned altitude or the minimum en route IFR altitude, whichever is higher, at the expected approach time;
- (d) if holding at the destination airport, maintain the last acknowledged assigned altitude until the expected approach time;
- (e) if a clearance for approach has not been received, commence descent from the last assigned altitude or the minimum en route IFR altitude, whichever is applicable, at the expected approach time last received and acknowledged or, if no expected approach time was received and acknowledged, at the estimated time of arrival last notified to and acknowledged by air traffic control; and then execute a complete standard instrument approach procedure, and land; the descent, however, shall not be commenced unless there is reasonable assurance that the landing will be effected within thirty minutes of the estimated time of arrival or of the last acknowledged expected approach time, whichever is later; and
- (f) in the event of a missed approach, remain in visual contact with the airport until a landing is effected or, if impracticable, attempt another approach if a landing can be completed within the time limits stated in paragraph (e).

4. When the pilot cannot comply with the provisions of section 3, or considers that compliance is not the safest plan, he shall, avoiding areas of dense traffic, proceed to a suitable place where a cloud-breaking procedure may be carried out and from where he may expect to continue the flight in VFR weather conditions to a location suitable for landing.

5. (1) When the failure is such that the pilot can transmit but cannot receive, he shall transmit to air traffic control a full description of the procedure he is following specifying the frequencies on which he will be transmitting.

(2) When the failure is such that the pilot can receive but cannot transmit, he shall maintain a listening watch on the appropriate communication facility.

6. Following a communication failure, the pilot shall, as soon as practicable, report the circumstances to an air traffic control unit, stating the time at which the failure occurred and the air traffic control unit under whose jurisdiction he was operating at that time.

**Aeronautics Act—continued**

## AIR NAVIGATION ORDER, SERIES V, No. 6

*Distress, Urgency and Safety Signals*

1. None of the provisions in this order shall prevent the use, by an aircraft in distress, of any means at its disposal to attract attention, make known its position and obtain help.

*Distress Signals*

2. The following signals, used either together or separately, mean that grave and imminent danger threatens, and immediate assistance is requested:

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code,
- (b) a signal sent by radiotelephony consisting of the spoken word "Mayday",
- (c) rockets or shells throwing red lights, fired one at a time at short intervals;
- (d) a parachute flare showing a red light,
- (e) the two-flag signal corresponding to the letters MC of the International Code of Signals (Fig 1),

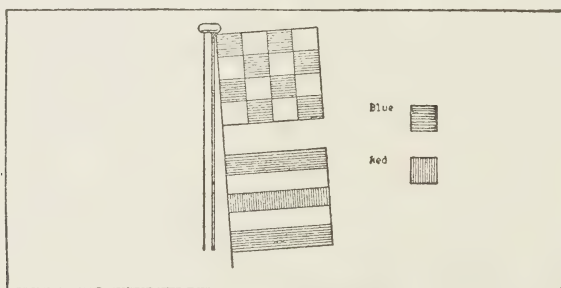


FIGURE 1

- (f) a signal consisting of a square flag having above it or below it a ball or anything resembling a ball (Fig. 2),

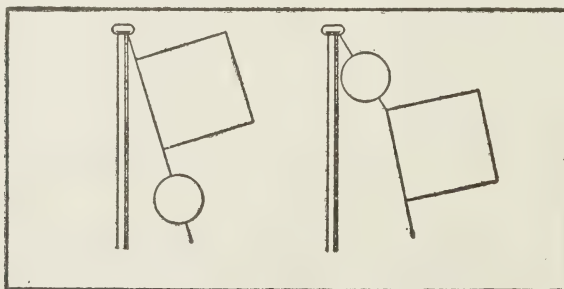


FIGURE 2

**Aeronautics Act—continued**

- (g) a gun or other explosive signal fired at intervals of about a minute.

NOTE.—A radio signal has been provided in Rule 31 of the Regulations for Preventing Collisions at Sea for use by aircraft in distress for the purpose of actuating the auto-alarms of vessels and thus securing attention to distress calls or messages. The signal consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between two consecutive dashes, 1 second.

*Urgency Signals*

3. (1) The following signals, used either together or separately, mean that an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance:

- (a) the repeated switching on and off of the landing lights,
- (b) the repeated switching on and off of the navigation lights,
- (c) a succession of white pyrotechnical lights.

(2) The following signals, used either together or separately, mean that an aircraft has a very urgent message to transmit concerning the safety of a ship, aircraft or other vehicle, or of some person on board or within sight:

- (a) in radiotelegraphy, three repetitions of the group XXX, sent with the letters of each group, and the successive groups clearly separated from each other;
- (b) in radiotelephony, three repetitions of the expression PAN;
- (c) a succession of green pyrotechnical lights;
- (d) a succession of green flashes with signal apparatus.

*Safety Signals*

4. The following signals, used either together or separately, mean that an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings:

- (a) in radiotelegraphy, three repetitions of the group TTT, sent with the letters of each group and the successive groups clearly separated from each other;
- (b) in radiotelephony, the word SECURITE pronounced as the French word "sécurité", repeated three times, (to which correspond in English pronunciation the syllables SAY-CURE-E-TAY).

AIR NAVIGATION ORDER, SERIES V, No. 7

*Visual Ground Signals*

1. When ground signals are displayed for the control of airport traffic they shall be as prescribed in this Order.

*Prohibition of Landing*

2. A horizontal red square panel with yellow diagonals (Fig. 1) indicates that landings at the aerodrome concerned are prohibited and that the prohibition is likely to be prolonged.



FIGURE 1



**Aeronautics Act—continued***Need for Special Precautions While Approaching or Landing*

3. A horizontal red square panel with one yellow diagonal (Fig. 2) indicates that owing to the bad state of the manoeuvring area, or for any other reason, special precautions must be observed in approaching to land or in landing.



FIGURE 2

*Use of Runways and Taxiways*

4. A horizontal white dumb-bell (Fig. 3) indicates that aircraft are required to land, take-off and taxi on runways and taxiways only.



FIGURE 3

*Unserviceability of the Manoeuvring Area*

5. Crosses of a single conspicuous colour, preferably white, (Fig. 4) displayed horizontally on the manoeuvring area indicate an area unfit for the movement of aircraft.



FIGURE 4

*Directions for Landing or Take-off*

6. (1) A horizontal landing "T" of conspicuous colour (Fig. 5) shall indicate the direction to be used by aircraft for landing or taking-off: i.e., along the shaft of the "T" towards the cross arm.

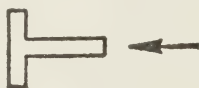


FIGURE 5

(2) A black ball displayed on a mast (Fig. 6) and clearly visible to aircraft on the manoeuvring area indicates that the direction of take-off is to be verified with the aerodrome control tower.



FIGURE 6

**Aeronautics Act—continued**

(3) A disc of conspicuous colour displayed horizontally alongside the cross-piece of a landing "T" in line with its shaft (Fig. 7) is a cautionary signal indicating that a single direction is not being used for all landings and take-offs.



FIGURE 7

**AIR NAVIGATION ORDER, SERIES V, No. 8**

*Weather Minima, Alternate Airports*

1. An airport in a control area or a control zone shall not be included in a flight plan as an alternate airport unless current forecasts indicate that the ceiling and visibility at such airport will, at the expected time of arrival, be at or above the weather minima specified in *The Canada Air Pilot*, or elsewhere specified by the Minister, for that airport when so used.

2. Where the weather minima specified in *The Canada Air Pilot* for an airport when used as an alternate airport show the ceiling as 800 feet and the visibility as 2 miles, the following minima for that airport only may be applied:

- ceiling— 800 feet—visibility 2 miles, or
- ceiling— 900 feet—visibility  $1\frac{1}{2}$  miles, or
- ceiling—1,000 feet—visibility 1 mile.

**5. Prohibited Areas**

**(a) Vicinity of Chalk River, Ont., prohibited area**

P.C. 3997

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of October, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Reconstruction and Supply reports that, as a result of representations made by the Atomic Energy Control Board, it is considered advisable to prohibit the flying of aircraft in the vicinity of Chalk River, Ontario.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply, is pleased to define and doth hereby define as a prohibited area under Part VIII, paragraph 5 of the Air Regulations, 1938, the area within a radius of four miles of Perch Lake, Ontario, Lat.  $46^{\circ} 02'N.$ , Long.  $77^{\circ} 23'W.$

**Aeronautics Act—continued****(b) Suffield Experimental Station, prohibited area**

P.C. 1954-1035

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to paragraph (f) of subsection (1) of section 4 of the Aeronautics Act, is pleased to approve the following regulation made by the Minister of Transport prohibiting the navigation of aircraft over Suffield Experimental Station, Alberta, and it is hereby approved, accordingly.

**PROHIBITED AREA OVER SUFFIELD EXPERIMENTAL STATION**

No aircraft shall fly, at any time and at any altitude, over the area hereinafter described:

That portion of the Suffield Experimental Station in the Province of Alberta bounded on the south by Latitude  $50^{\circ}13'N.$ , on the north by Latitude  $50^{\circ}40'N.$ , on the east by Longitude  $110^{\circ}35'W.$ , and on the west by Longitude  $111^{\circ}10'W.$

**6. Flying Accidents Compensation Order**

P.C. 6538

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the powers conferred by the Aeronautics Act, Revised Statutes of Canada, 1927, chapter 3, is pleased hereby, to revoke Orders in Council P.C. 44/8848 of 22nd November, 1944 and P.C. 86/5966 of 24th December, 1948, and to make the following Order in substitution therefor:

**ORDER**

1. This Order may be cited as *The Flying Accidents Compensation Order*.
2. In this Order, unless the context otherwise requires,
  - (a) "employee" means a person other than a member of the armed forces of Canada employed in the public service of Canada or under the direction of any department of the public service of Canada;
  - (b) "unscheduled flight" means a flight in an aircraft other than an aircraft operated on a scheduled flight by or on behalf of any person for hire or reward.



**Aeronautics Act—concluded**

3. (1) Subject to section four, where an employee is killed or injured as a direct result of an unscheduled flight undertaken by him in the course of his duties in the public service of Canada, compensation will be paid for death or injuries of that employee as if he were a member of the forces and his death or injury arose out of military service in peace time within the meaning of the Pension Act.

(2) For the purposes of this section,

- (a) an employee other than an employee mentioned in paragraph (b) who receives salary at an annual rate with a range specified in Schedule A shall be deemed to be in receipt of pay and allowances for the military rank set opposite that range in Schedule A, and
- (b) a member, part-time employee or consultant of the Defence Research Board and a person who serves that Board in an advisory or supervisory capacity without remuneration shall be deemed to be in receipt of pay and allowances for the military rank set opposite the description that applies to him in Schedule B.

4. Notwithstanding section three, no compensation shall be paid for any death or injury in respect of which provision for payment of compensation or a gratuity or pension is made by an Act, regulation or order, other than this Order, unless the claimant elects to accept, the said compensation instead of the compensation, gratuity or pension under any such other Act, regulation or order.

**Schedule A**

Military ranks to be imputed to persons in receipt of salary.

<i>Annual Rate of Salary</i>	<i>Rank</i>
\$3,000 or less .....	Lieutenant
3,001 to \$3,750 .....	Captain
3,751 to 5,000 .....	Major
5,001 to 6,500 .....	Lieutenant-Colonel
6,501 to 8,000 .....	Colonel
8,001 to over .....	Brigadier

**Schedule B**

Military ranks to be imputed to persons employed with the Defence Research Board.

<i>Description of Employee</i>	<i>Rank</i>
Members of the Defence Research Board .....	Brigadier
Members of the Defence Research Board Advisory Committees and Panels, consultants, and persons who serve in an advisory or supervisory capacity .....	Colonel
Students or scientists working on research projects for the Defence Research Board at universities or other institutions .....	Captain

**AGRICULTURAL PRICES SUPPORT ACT. (R.S.C., 1952, c. 3)**

Orders are made from time to time establishing price support programmes for specific products. Information respecting such orders may be obtained on application to the Agricultural Prices Support Board, Department of Agriculture, Ottawa. No other statutory orders or regulations have been made under this statute.

**AGRICULTURAL PRODUCTS BOARD ACT. (R.S.C., 1952, c. 4)**

No regulations have been made under this statute.

**AGRICULTURAL PRODUCTS CO-OPERATIVE MARKETING ACT.  
(R.S.C., 1952, c. 5)**

No regulations have been made under this statute.

**AGRICULTURAL PRODUCTS MARKETING ACT. (R.S.C., 1952, c. 6)**

Orders are made from time to time extending extra-provincially the powers of provincial marketing boards in respect of specific products. Information respecting such orders may be obtained on application to the Agricultural Products Board, Department of Agriculture, Ottawa. No other statutory orders or regulations have been made under this statute.

**ALLIED VETERANS BENEFITS ACT. (R.S.C., 1952, c. 8)**

No regulations have been made under this statute.

**ANIMAL CONTAGIOUS DISEASES ACT. (R.S.C., 1952, c. 9)****Animal Contagious Diseases Regulations**

P.C. 1954-1968

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Animal Contagious Diseases Act, is pleased to order as follows:

1. The Animal Contagious Diseases Regulations established by Order in Council P.C. 5369 of 25th October, 1949, as amended, are hereby revoked; and

2. The annexed "Animal Contagious Diseases Regulations" are hereby made and established in substitution for the regulations hereby revoked.

# **Animal Contagious Diseases Act—continued**

## REGULATIONS RELATING TO ANIMAL CONTAGIOUS DISEASES

### *Short Title*

1. These regulations may be cited as the *Animal Contagious Diseases Regulations*.

### *Interpretation*

2. In these regulations,

- (a) "Act" means the Animal Contagious Diseases Act;
- (b) "accredited veterinarian" means a veterinarian who is authorized by the Veterinary Director General to make tests and inspections for the purposes of these regulations;
- (c) "animal" includes birds, bees, and animals carried as ship's stores;
- (d) "contagious" means communicable by close contact or inoculation;
- (e) "import" includes introduce;
- (f) "infectious" means communicable in any manner;
- (g) "inspector" means a veterinary or other inspector appointed under the Act;
- (h) "inspection" means inspection by an inspector;
- (i) "master" in relation to aircraft means the pilot;
- (j) "Minister" means the Minister of Agriculture;
- (k) "poultry" means live chickens, turkeys, pigeons, geese, ducks or other barnyard fowl or other birds raised under domestic conditions;
- (l) "ship" or "vessel" includes aircraft;
- (m) "Veterinary Director General" means the Veterinary Director General for Canada; and
- (n) "veterinary inspector" means a duly qualified veterinary surgeon appointed an inspector under the Act.

## **Part I**

### *Officers*

3. The Veterinary Director General has charge of the Health of Animals Division of the Department of Agriculture, and has all the powers of an inspector or a veterinary inspector under these regulations.

4. An inspector may inspect any animal in Canada or within the territorial waters of Canada for the purpose of ascertaining whether or not the animal is affected with an infectious or contagious disease.

5. Whenever an inspector finds or suspects that an animal is affected with an infectious or contagious disease he may order the owner or occupier of any vessel, vehicle, railway car, aircraft, yard, stable, shed, pen or other place or premises in or upon which the animals are found to be thoroughly cleaned and disinfected to the satisfaction of the inspector, and every person to whom any such order is directed shall forthwith comply with the order.



**Animal Contagious Diseases Act—continued**

6. An inspector may at any time enter any vessel, vehicle, railway car, aircraft, yard, stable, shed, pen or other place or premises in or upon which he reasonably believes an animal may be found.

7. Every owner, shipper, exporter, importer or other person having the possession, care or custody of an animal shall give to an inspector any assistance that the inspector may require in order to carry out any of his duties or powers under the Act or these regulations, and whenever any such person refuses or neglects to furnish any such assistance the inspector may employ any assistants at the cost of such person and such cost is recoverable as a debt due to the Crown and shall be paid before any certificate in respect of the animal is issued under these regulations.

8. For the purposes of identification an inspector may, if he deems it advisable, mark any animals inspected by him.

9. Notwithstanding anything in these regulations an inspector may detain any animal at any place for such time as he considers necessary to enable him to make a thorough and satisfactory inspection of the animal and to ascertain that all the provisions of the Act and these regulations relating thereto have been duly observed and complied with.

10. An inspector may order that an animal shall not be removed from the premises or other place where it is situated until authorized by an inspector and upon the making of such an order no person shall remove the animal from such premises or place until an inspector so authorizes.

11. Whenever by these regulations an inspector is authorized to inspect an animal he may make such tests, investigations and examinations as he considers necessary for the purpose of ascertaining whether or not the animal is affected with an infectious or contagious disease or for the purpose of ascertaining the nature of the infectious or contagious disease.

12. Every Customs officer before permitting an animal to enter or to leave Canada shall satisfy himself that all the provisions of the Act and these regulations with respect to the animal have been complied with.

**Part II****GENERAL IMPORT REQUIREMENTS***Animals*

13. Except as provided in these regulations, no person shall import an animal into Canada.

14. (1) Notwithstanding anything in these regulations but subject to subsection (2), all animals entering Canada or tendered for entry into Canada are subject to inspection by an inspector and no animal shall be allowed to enter Canada if an inspector finds or suspects that the animal is affected with an infectious or contagious disease.

(2) Where an inspector finds or suspects that an animal tendered for entry into Canada is affected with an infectious or contagious disease and the importation of the animal into Canada is not otherwise prohibited under the Act or these regulations, he may in his discretion, but subject to any instructions from the Veterinary Director General, admit the animal

**Animal Contagious Diseases Act—continued**

into quarantine for such period as he may prescribe, and if at the end of such period the animal is found free from infectious or contagious disease it may be admitted into Canada, but if the animal is found not to be free from infectious or contagious disease the animal, in the discretion of the inspector, shall be returned to its country of origin or shall be destroyed or otherwise disposed of, without compensation.

*Birds*

15. (1) Subject to this section and the provisions of these regulations respecting poultry, birds may be imported into Canada.

(2) Birds of the parrot family shall not be imported into Canada unless

(a) the birds are imported and accompanied by the owner;

(b) the number of birds does not exceed five at any one time;

(c) the owner certifies in writing that the birds have not been in contact with other birds of the parrot family and have been in his possession for the sixty days immediately preceding importation; and

(d) they are found healthy by the inspector.

(3) Birds of the parrot family may be imported into Canada only at quarantine stations or at the port of Montreal.

(4) All birds of the parrot family tendered for importation and found by an inspector not to be healthy, shall be detained in quarters furnished by the owner and approved by the inspector, and all birds so detained are subject to inspection by the inspector at all times during detention and may be released only on the written authority of the inspector.

(5) The inspector may require laboratory investigation of the birds at the expense of the owner and if the result of the laboratory investigation is not satisfactory to the inspector, the entire shipment may be refused.

(6) The inspector shall notify the provincial health authorities concerned in writing of the origin, number and species of the birds, their destination and the name of the owner.

(7) The Minister may, at any time, prohibit the importation of birds of the parrot family from any country in which the Minister has reason to believe there is an epidemic of psittacosis, and a notification of such prohibition and the removal of such prohibition shall be forwarded to all provincial health authorities.

(8) In this section, the expression "birds of the parrot family" means psittacidae and includes birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and similar birds.

*Bees*

16. (1) No person shall import into Canada bees on combs, used or second-hand hives, or bee supplies.

(2) No person shall import into Canada bees in combless packages unless the packages are accompanied by a declaration signed by the shipper that the food supplied to the bees and carried in the package is free from disease.

**Animal Contagious Diseases Act—continued***Quarantine Stations*

17. (1) An animal that on importation into Canada is subject to quarantine under these regulations may be admitted into Canada only at a quarantine station.

(2) Where an animal that is subject to quarantine under these regulations has been quarantined for the period prescribed by these regulations and is then or at the end of such additional period of quarantine as an inspector may order, found or suspected to be not free from infectious or contagious disease the animal, in the discretion of an inspector, shall be returned to its country of origin or shall be destroyed or otherwise disposed of, without compensation.

(3) The following ports are quarantine stations for the purposes of these regulations:

Nova Scotia—Halifax, Yarmouth and North Sydney;

Prince Edward Island—Charlottetown;

New Brunswick—Saint John and McAdam Junction;

Quebec—Sherbrooke, St. Johns and Quebec;

Ontario—Fort Erie, Windsor, Sarnia, Sault Ste. Marie and Fort Frances;

Manitoba—Emerson and Lena;

Saskatchewan—Northgate, North Portal, West Poplar River and Willow Creek;

Alberta—Coumts and Carway;

British Columbia—Kingsgate, Nelson, Cascade, Paterson, Carson, Midway, Osoyoos, Keremeos, Huntingdon, White Rock, New Westminster, Vancouver and Victoria;

Yukon Territory—Whitehorse.

18. (1) Except as provided in these regulations, inspection of animals that are imported into Canada shall be made at a quarantine station or at an inspection port and an animal that is not subject to quarantine under these regulations shall not be admitted to Canada except at an inspection port or a quarantine station.

(2) The following are inspection ports for the purposes of these regulations:

Newfoundland—St. John's, Botwood and Corner Brook;

Nova Scotia—Pictou;

New Brunswick—St. Stephen, Debec Junction, Woodstock, Centerville, Aroostook Junction, Grand Falls, St. Leonards, Edmundston, Clair and Andover;

Quebec—Estcourt, Lac Frontiere, Lake Megantic, St. Zacharie, Armstrong, Comin's Mills, Coaticook, Rock Island, Highwater, Abercorn, Sutton, Noyan, Clarenceville, Lacolle, Cantic, Huntingdon, Trout River, Dundee, Stanhope, Phillipsburg and Blackpool;

Ontario—Cornwall, Morrisburg, Prescott, Brockville, Lansdowne, Kingston, London, Ottawa, Toronto, Niagara Falls, Port Arthur, Rainy River and Pigeon River;



**Animal Contagious Diseases Act—continued**

Manitoba—Sprague and Goodlands;

Saskatchewan—Regway, Monchy and Big Beaver;

British Columbia—Nelway, Boundary Bay, Nanaimo, Sidney and Pacific Highway (Douglas).

*Quarantine*

19. (1) Quarantine stations shall be under the care of and subject to the orders of the veterinary inspector in charge, who shall have the general superintendence and control of employees and attendants, and of all other matters in connection therewith.

(2) No person other than those mentioned in subsection (1) shall enter a quarantine station without written authority from the Veterinary Director General.

20. Animals in a quarantine station shall be treated and dealt with under the direction of the veterinary inspector in charge of the station and all articles used for, about or in connection with the animals, shall be in like manner subject to his direction and supervision.

21. Cattle imported from countries other than the United States shall not be discharged from quarantine until they have been submitted to the tuberculin test.

22. Cattle submitted to the tuberculin test while in quarantine and reacting to the test or showing clinical symptoms of tuberculosis shall be permanently marked in such form and manner as the Veterinary Director General may prescribe and shall be slaughtered forthwith under inspection without compensation or returned to the country of origin.

23. Cattle submitted to the Johnin test while in quarantine and reacting to the test or showing clinical symptoms of Johnie's disease shall be slaughtered forthwith without compensation or returned to the country of origin.

24. (1) Cattle six months old or over, except steers and spayed heifers, shall not be discharged from quarantine until they have been submitted to a blood test for brucellosis, and cattle that react to the test, except unbred yearlings and calves, shall be permanently marked in such form and manner as the Veterinary Director General may prescribe and shall be slaughtered forthwith under inspection without compensation, or returned to the country of origin.

(2) Subsection (1) does not apply to cattle that are accompanied by a certificate signed or endorsed by a veterinarian of the national government of the country of origin showing:

- (a) the date of birth of the animal;
- (b) that the animal was officially vaccinated between the ages of six through eight months, inclusive, with *Brucella Abortus Strain 19* vaccine and not more than twenty-two months immediately preceding the date of importation;
- (c) the date of vaccination.

**Animal Contagious Diseases Act—continued**

25. (1) Swine imported from countries other than the United States shall not be discharged from quarantine until they have been submitted to a blood test for Brucellosis.

(2) Swine submitted to the blood test for Brucellosis while in quarantine and reacting to the test shall be slaughtered forthwith under inspection without compensation or returned to the country of origin.

26. The Minister or the Veterinary Director General may authorize the destruction of any quarantined animal or all or any portion of the articles used in the care of such animal, and such destruction shall take place under the supervision of the veterinary inspector in charge, and in the manner prescribed by him.

27. The expenses of feeding, treating and caring for animals detained in quarantine, with the exception of those for the use of grounds and shelter, shall be borne by the owner or importer, and such expenses shall be paid before the animals are permitted to leave the quarantine, and in default of such payment within fourteen days after the expiration of the period of quarantine, the veterinary inspector in charge may, on fourteen days' notice in writing, delivered personally or by registered mail to the owner or importer, cause the said animals to be sold to meet the said expenses, together with the expenses of and incidental to the sale of the said animals, and the balance, if any, shall be paid to the owner.

28. No animal under quarantine shall be allowed to come in contact with an animal not in quarantine until duly discharged from quarantine.

29. No animal under quarantine shall be removed from a quarantine station until duly discharged therefrom by or under the authority of the veterinary inspector in charge.

30. No person shall remove or attempt to remove an animal from a quarantine station except by or under the authority of the veterinary inspector in charge.

31. No compensation or indemnity is payable for any injury or loss sustained in connection with an animal while it is detained in quarantine.

**Part III***Importation from Countries other than United States*

32. This part applies only to the importation of animals from places other than the United States.

33. (1) An animal may be imported into Canada if a permit therefor is obtained from the Minister, and the permit is in the possession of the master of the vessel before the animal is embarked.

(2) An application for a permit shall be in writing, shall state the number and kind of animals in respect of which the permit is sought, the country of origin, the probable date of shipment, the port of embarkation, the port at which the animals are to be landed and the approximate date of their arrival.

(3) The Minister may require that the statements contained in an application for a permit be verified by affidavit.

**Animal Contagious Diseases Act—continued**

(4) The Minister may allow the importation of an animal into Canada without a permit under this section.

(5) This section does not apply to the importation of dogs.

34. Except as otherwise provided in these regulations, no animal shall be imported into Canada except at Victoria, Vancouver, Quebec, Saint John, Halifax, North Sydney, Charlottetown or such other quarantine station as the Minister may designate.

35. All animals imported into Canada shall be accompanied by a statutory declaration or affidavit made by the owner or importer stating the purpose for which the animals are being imported into Canada; the declaration or affidavit shall be presented to the Collector of Customs at the port of entry and the Collector of Customs shall forthwith notify the nearest veterinary inspector of the intended importation.

36. (1) Animals imported into Canada shall be accompanied by the Certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease.

(2) Animals imported via United States ports, in addition to the certificate mentioned in subsection (1), shall be accompanied by a certificate of quarantine or inspection signed by a veterinarian of the United States Agricultural Research Service.

(3) The Minister may allow the importation of an animal into Canada without the certificates mentioned in this section.

37. (1) The person in charge of an animal to be imported shall certify under oath that the certificates referred to in section 36 apply to the animals to be imported and to no other, and that the district named is the actual district from which the animals come.

(2) When the person in charge of any animals refuses to take the oath referred to in subsection (1) the importation of the animals into Canada shall be refused.

38. Persons in charge of vessels conveying animals to Canada shall immediately on arrival in Canada notify the nearest veterinary inspector of the arrival of such vessel and the number and kind of animals on board thereof.

39. All importers of animals before making a customs entry shall certify under oath the place of origin of the animals to be imported.

40. All inspections of imported animals shall be made in daylight and for the purposes of carrying out these regulations inspectors are entitled to enter any wharf, vessel, car, aircraft, airfield or any other vehicle or place.

41. Inspectors shall visit the vessels, cars, aircraft or other vehicles conveying animals into Canada and after inspecting such animals and finding them free from disease shall superintend their landing or unloading, order them to be placed and disposed of according to the requirements of the case and see that those to be quarantined are conveyed to the proper quarantine station; inspectors shall also superintend the landing, unloading and disposal of fodder, litter, blankets, troughs and other articles that may have been used by or for such animals.



**Animal Contagious Diseases Act—continued**

42. Inspectors may, if they deem it necessary, order the cleaning or disinfection of any vessel, aircraft, vehicle, place, building or article used for the accommodation, conveyance, loading or unloading of animals and may direct that such precautionary measures with reference thereto be taken as they may consider necessary or desirable.

43. No person shall interfere with the conveyance of any animals to a place of quarantine.

44. No person shall impede or obstruct the execution of any order or direction made or given by an inspector with reference to the inspection of animals pursuant to these regulations or the custody of animals during inspection or during conveyance to a place of quarantine.

*Horses, Mules and Asses*

45. Horses, mules and asses imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious diseases, and that no glanders, *maladie du coit* (dourine), or other serious infectious or contagious disease affecting horses, mules or asses has existed in the district of origin for a period of six months immediately prior to their shipment.

46. Unless otherwise ordered by the Minister, horses, mules and asses may be imported into Canada at the port of Montreal.

*Cattle*

47. Cattle imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, and that no contagious pleuro-pneumonia, rinderpest or foot and mouth disease or other serious infectious or contagious disease affecting cattle has existed in the district of origin for a period of six months immediately prior to shipment.

48. (1) Cattle arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

- (a) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or
- (b) for a period of thirty days, to be counted from but not including the day of arrival at the quarantine station, if they are not accompanied by the certificate mentioned in paragraph (a) or if an inspector so requires.

(2) Cattle arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of ninety days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

**Animal Contagious Diseases Act—continued**

*Sheep and Goats*

49. Sheep and goats imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, that no foot and mouth disease has existed in the district of origin for a period of six months immediately prior to the shipment, that the animals show no evidence of the disease known as scrapie, that so far as can be determined the disease has not existed on the premises of origin during the three years immediately prior to shipment and that the animals are not the progeny of a sire or dam that was affected with scrapie or any other infectious or contagious disease.

50. (1) Sheep and goats arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

- (a) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or
- (b) for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked, if they are not accompanied by the certificate mentioned in paragraph (a) or if an inspector so requires.

(2) Sheep and goats arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

*Swine*

51. Swine imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, and that no hog cholera or foot and mouth disease has existed in the district of origin for a period of six months immediately prior to shipment.

52. (1) Swine arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

- (a) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or
- (b) for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at

**Animal Contagious Diseases Act—continued**

which they were embarked, if they are not accompanied by the certificate mentioned in paragraph (a) or if an inspector so requires.

(2) Swine arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

*Dogs*

53. (1) Subject to this section dogs may be imported into Canada.

(2) Except as provided in subsections (3) and (4) all dogs tendered for importation into Canada shall be admitted to Canada only at the quarantine stations of Halifax, Saint John, Quebec, Vancouver and Victoria, shall be subjected to a quarantine of three months at the port of entry at the expense of the importer and shall also be vaccinated with rabies vaccine by a veterinary inspector on admittance to quarantine.

(3) Dogs originating in Great Britain, Northern Ireland or Eire and shipped direct to Canada may be admitted at any of the quarantine stations mentioned in subsection (2) if accompanied by a certificate signed by the importer certifying that the dog originated in Great Britain, Northern Ireland or Eire, as the case may be.

(4) Dogs that have been admitted to quarantine in Great Britain and are later shipped to Canada before being released in Great Britain shall be vaccinated as provided in subsection (2) and shall continue in quarantine at the Canadian port of entry until the total period of quarantine in Great Britain and Canada equals a period of three months; and such dogs shall be accompanied by a certificate signed by an official veterinarian showing the country from which the dog was originally shipped and the period it was held in quarantine in Great Britain.

(5) Dogs arriving in Canada at a place other than a quarantine station, when permitted by a veterinary inspector and subject to such conditions and restrictions as he may order, may be admitted into Canada if accompanied by a certificate as prescribed in subsection (3) or may be transported in bond through Canadian territory to a quarantine station.

(6) An inspector may direct that a dog imported into Canada pursuant to this section shall be quarantined at an animal hospital designated by the inspector or at the owner's or importer's premises, in lieu of being quarantined at a quarantine station.

(7) Where an inspector has pursuant to subsection (6) directed that a dog shall be quarantined at an animal hospital or at the owner's or importer's premises, the provisions of this section and sections 20, 26, 28, 29, 30 and 31 of these regulations shall apply to such hospital or premises as they apply to a quarantine station, and the expenses of feeding, treating and caring for the dog in quarantine together with those for the use of grounds and shelter shall be borne by the owner or importer.

*Poultry*

54. (1) Subject to this section, poultry may be imported into Canada at any place or port of entry if they are accompanied by a certificate signed by a veterinarian of the country of origin who is authorized by his



**Animal Contagious Diseases Act—continued**

national government so to certify that the poultry referred to in the certificate are free from and have not been exposed to avian pneumoencephalitis (Newcastle disease), fowl pest or fowl typhoid.

(2) No person shall import or introduce any birds into Canada from any country unless a permit therefor is first obtained from the Minister and the permit is in the possession of the master of the vessel before the birds are embarked.

(3) An application for a permit shall be in writing, shall state the number and kind of birds in respect of which the permit is sought, the country of origin, the probable date of shipment, the port of embarkation, the port at which the birds are to be landed and the approximate date of their arrival.

(4) The Minister may require that the statements contained in an application for a permit be verified by affidavit.

**Part IV**

*Importation from the United States*

55. This Part applies only to the importation of animals from the United States.

56. All animals imported into Canada shall be accompanied by a statutory declaration or affidavit made by the owner or importer stating the purpose for which the animals are imported.

57. Except as otherwise provided in, and subject to the provisions of this Part, animals may be imported into Canada at an inspection port or quarantine station.

58. Any animal imported into Canada may be detained, isolated, dipped or otherwise treated by an inspector whenever the Minister so orders or whenever the inspector finds or suspects that the animal is infected with or has been exposed to infectious or contagious disease.

*Horses, Mules and Asses*

59. No branded or range horses, mules or asses shall be imported into Canada unless in the opinion of an inspector they are gentle and broken to harness or saddle.

60. Horses, mules or asses imported into Canada shall, whenever and during such times as the Veterinary Director General may require, be accompanied by a satisfactory certificate of mallein test for glanders, dated not more than thirty days prior to date of entry and signed or endorsed by a veterinarian of the United States Agricultural Research Service; when not so accompanied such horses, mules or asses may be subjected to a mallein test whether at the inspection port or quarantine station where entry is made, or under quarantine restrictions at destination.

61. (1) Any animals that are tested at the port of entry pursuant to section 60 and found to be reactors shall be slaughtered without compensation or permanently marked and returned to the United States and shall not at any time be allowed to enter Canada.

(2) All horses, mules and asses in the same consignment as such reactors shall be returned to the United States, but they may subsequently be admitted into Canada if they are subjected to a mallein test after

**Animal Contagious Diseases Act—continued**

the expiration of a period of at least fifteen days, they do not then react to the test, evidence satisfactory to an inspector is produced that during the said period they have not been in contact with any animals infected with glanders, and the animals in all other respects are eligible under the Act and these regulations for importation into Canada.

62. Any animals that are tested at destination point pursuant to section 60 and found to be reactors shall be slaughtered without compensation, and the remaining animals in the shipment shall be detained in quarantine for such period as the Veterinary Director General may prescribe.

*Cattle*

63. (1) Cattle six months old or over, excluding steers, spayed heifers and cattle for immediate slaughter, imported into Canada

(a) shall be accompanied by a certificate signed or endorsed by a veterinarian of the United States Agricultural Research Service showing the date of birth of the animal and showing either

(i) that the animal was officially vaccinated between the ages of six through eight months, inclusive, with *Brucella Abortus* Strain 19 Vaccine and not more than twenty-two months immediately preceding the date of importation, together with the date of vaccination, or

(ii) that the animal was subjected to a blood test for Brucellosis with negative results within thirty days of the date of exportation; or

(b) if not accompanied by the certificate mentioned in paragraph (a), shall be detained in quarantine at a quarantine station for such period as an inspector may deem necessary and subjected to a test for Brucellosis, or returned to the United States.

(2) Any cattle that are tested pursuant to subsection (1), and found to be reactors shall be permanently marked and returned to the United States or slaughtered without compensation.

64. (1) In addition to the requirements of section 63 cattle for feeding purposes, breeding purposes or milk production, imported into Canada

(a) shall be accompanied by a satisfactory tuberculin test chart, dated not more than thirty days prior to the date of entry and signed or endorsed by a veterinarian of the United States Agricultural Research Service; or

(b) if not accompanied by the certificate mentioned in paragraph (a), shall be detained in quarantine at a quarantine station for such period as an inspector may deem necessary and subjected to the tuberculin test or returned to the United States.

(2) Any cattle that are tested pursuant to subsection (1) and found to be reactors shall be permanently marked and returned to the United States or slaughtered without compensation.

65. Cattle from fully accredited herds in the United States accompanied by a certificate signed or endorsed by a veterinarian of the United States Agricultural Research Service stating that they are from a fully accredited herd, and have been tuberculin-tested with negative results within one year from the date of importation, are exempt from the provisions of section 64.

**Animal Contagious Diseases Act—continued**

*Swine*

66. (1) All swine, except double treated swine, imported into Canada shall be accompanied by a certificate signed by a veterinarian of the United States Agricultural Research Service stating that hog cholera has not existed within a radius of five miles of the premises in which they have been kept for a period of six months immediately preceding date of shipment.

(2) All swine imported into Canada shall be accompanied by a certificate signed or endorsed by a veterinarian of the United States Agricultural Research Service stating that they are free from Brucellosis as determined by a blood test conducted within sixty days of the date of shipment and that the herd in which the swine were kept during the twelve months immediately preceding the date of shipment has been free of Brucellosis in so far as can be determined by blood test and herd history, or, when not accompanied by a certificate mentioned in this subsection, shall not be discharged from quarantine until they have been submitted to one or more blood tests for Brucellosis, and reactors to the test shall be returned to the United States or shall be slaughtered forthwith under inspection without compensation.

67. (1) Swine entering Canada through the port of Whitehorse for transit to Alaska shall be inspected before being allowed to proceed and, unless in the opinion of the inspector they are clean and free of infectious or contagious disease they shall be immediately returned to the United States.

(2) Swine in transit to Alaska shall not be landed from a boat or barge in Canadian territory, and whenever trans-shipment is necessary it shall take place directly from boat to boat; boats and barges that have carried live swine shall be disinfected before carrying other freight.

*Double Treated Swine*

68. All swine immunized by simultaneous injection of hog cholera virus and serum (double treated swine) may be imported into Canada if they are accompanied by a certificate signed or endorsed by a veterinarian of the United States Agricultural Research Service stating that hog cholera has not existed in the herd in which the swine were kept during the six months immediately preceding the date of shipment, and by the affidavit of the breeder, or last owner, that such swine were immunized not less than thirty days prior to shipment and that the swine have been immersed in a satisfactory disinfectant solution previous to shipment.

*Quarantine of Swine*

69. All swine, whether double treated or not, imported into Canada shall be detained in quarantine at a quarantine station for a period of thirty days.

*Sheep and Goats*

70. (1) All sheep and goats imported into Canada for purposes other than immediate slaughter shall be accompanied by a certificate signed by an inspector of the United States Agricultural Research Service stating that the animals show no evidence of the disease known as scrapie, that



**Animal Contagious Diseases Act—continued**

so far as can be determined the disease has not existed on the premises of origin during the three years immediately prior to shipment and that the animals are not the progeny of a sire or dam that was affected with scrapie or any other infectious or contagious disease; and such sheep and goats shall be admitted only at quarantine stations and shall be detained in quarantine at the international boundary for a period of thirty days unless they are accompanied by one of the following certificates:

- (a) in the case of sheep and goats for breeding, grazing, or feeding purposes, a certificate satisfactory to an inspector, signed by an Inspector of the United States Agricultural Research Service, stating that they have been twice dipped at an interval and in a preparation approved by that Service;
- (b) in the case of purebred registered sheep and goats for breeding purposes only, a certificate satisfactory to an inspector, signed by an Inspector of the United States Agricultural Research Service, stating that he has inspected them within the thirty days prior to their arrival in Canada, and has found them free from scabies and necrobacillosis, and that scabies does not exist in the county or counties in which the sheep and goats originated.

(2) Sheep and goats imported for immediate slaughter shall be inspected; and if found healthy may be permitted to proceed to their destination, but all such sheep and goats shall be subject to the direction and supervision of inspectors who have full power to deal with them in such manner as will effectually prevent their being brought, prior to slaughter, into direct or indirect contact with other sheep and goats in Canada.

*Dogs*

71. (1) Dogs originating in the United States may be imported into Canada at any Customs port of entry if they are accompanied by a certificate in one of the following forms:

- (a) a certificate signed or endorsed by an Inspector of the United States Agricultural Research Service certifying that the dog has been inspected and found free from any symptoms of any contagious disease, that the dog has not been exposed to the infection of rabies and that no case of rabies has occurred within a radius of fifty miles of the place where the dog has been kept for the six months immediately prior to the date of being en route to Canada; the certificate shall be surrendered at the Canadian Customs port of entry; or
- (b) a certificate signed by a licensed veterinarian of Canada or the United States certifying that the dog has been vaccinated against rabies during the preceding six months; such certificate shall carry an adequate and legible description of the dog and date of vaccination and shall be initialled by the inspecting official at the Customs port of entry and returned to the owner.

(2) Dogs originating in the United States may pass through Canadian territory from and to points in the United States without any certificate referred to in subsection (1) if the journey through Canadian territory is made without unnecessary stop-overs, the dog is not allowed to come in contact with any dog not so passing through Canadian territory and the owner or custodian thereof has undertaken in writing that this subsection will be complied with.

**Animal Contagious Diseases Act—continued**

(3) Dogs originating in Canada and passing through United States territory from and to points in Canada may re-enter Canada without the certificate referred to in subsection (1) if the journey through United States territory is made without unnecessary stop-over, the dog is not allowed to come in contact with any dog not so passing through United States territory and the owner or custodian thereof has indicated in writing that this subsection has been complied with.

(4) Dogs specially trained for public entertainment entering Canada for temporary stay and kept under direct control while in Canada, and dogs known as "seeing-eye" dogs, are exempt from this section.

*Poultry*

72. Poultry may be imported into Canada from the United States if they are accompanied by a certificate issued by a veterinarian of the United States Agricultural Research Service or by a State Veterinarian and endorsed by a veterinarian of the United States Agricultural Research Service to the effect that the poultry covered by such certificate are free from and have not been exposed to avian pneumoencephalitis (Newcastle Disease), fowl pest or fowl typhoid.

*Animals for Exhibition*

73. (1) Animals other than swine or cattle may be admitted into Canada on inspection at quarantine and inspection ports only, for purposes of exhibition or other temporary stay.

(2) Cattle may be admitted into Canada for inspection at quarantine and inspection ports only, for entertainment at rodeos, circuses or other similar forms of entertainment.

*Animals for Transit through Canada*

74. Animals may be admitted from any part of the United States into Canada for transit to any other part of the United States in bond, and, with the exception of swine, may be admitted to Canada in bond for transit to any Canadian port for exportation by sea to Europe or elsewhere subject to their being inspected at the Canadian port of shipment.

**Part V**

*Export to Places Other Than United States*

75. (1) This Part applies only to the export of animals from Canada to places other than the United States.

(2) This Part does not apply to the shipment of cattle one year of age or under or sheep from Newfoundland to St. Pierre or Miquelon during the months of August, September and October.

76. (1) Subject to subsection (2), no person shall export an animal unless it has been inspected by a veterinary inspector prior to shipment and again inspected by a veterinary inspector at the port of embarkation within twenty-four hours of embarkation and found and certified by each veterinary inspector to be free from infectious or contagious disease and in every way fit for export.

**Animal Contagious Diseases Act—continued**

(2) In the case of cattle the inspection may be made and the certificate issued by an accredited veterinarian but in each case the certificate shall be endorsed by a veterinary inspector.

77. Animals for exportation should, if possible, reach the port of exportation not less than twelve hours before embarkation for rest and inspection.

78. Owners or persons in charge of animals for exportation shall give twenty-four hours' notice, addressed to the veterinary inspector at the port of embarkation at his office, stating the number and kind of such animals and the expected time of their arrival at the port of exportation.

79. All inspections for export shall be made in daylight.

80. The Minister, on the recommendation of the Veterinary Director General, may in any particular case exempt an animal from all or any of the provisions of this Part.

81. The Collector of Customs at any port in Canada from which animals are exported shall not give a clearance to any ship having animals on board for exportation, other than those exempted under section 80, without having produced to him a certificate, signed by a veterinary inspector or other person authorized by or under this Part to issue the certificate, to the effect that the animals therein referred to are free from contagious and infectious disease and in every way fit for shipment.

82. An animal affected with actinomycosis or Brucellosis or cattle that have reacted to the tuberculin test or the blood test for Brucellosis may be exported from Canada with special permission from the Veterinary Director General granted at the request of the appropriate authorities of the importing country.

83. (1) Subject to this section, no person shall export an animal to any place via a United States port unless it has been inspected by a veterinary inspector prior to shipment and again inspected by an inspector at the port of exit in Canada, within twenty-four hours of leaving Canada, and found and certified by each veterinary inspector to be free from infectious or contagious disease and in every way fit for export.

(2) In the case of cattle the inspection may be made and the certificate issued by an accredited veterinarian but in each case the certificate shall be endorsed by a veterinary inspector.

(3) Shipments of animals intended for export via United States ports and originating in or passing through Toronto shall be inspected in Toronto, and shipments originating in or passing through Montreal shall be inspected at Montreal unless they are accompanied by a certificate of inspection at Toronto.

(4) Shipments of animals intended for export via United States ports originating in or passing through Winnipeg shall be inspected in Winnipeg and unless they are destined for Toronto or Montreal, they shall be inspected by a veterinary inspector at least twice before leaving Canada at an interval of not less than seventy-two hours between the inspections.

(5) Every carrier who carries animals for export via United States ports shall furnish facilities at places on the international boundary for unloading, inspection, and reloading animals and except in the case of shipments to Montreal, Toronto or Winnipeg, shall give to the nearest inspector notice of intended shipments.



**Animal Contagious Diseases Act—continued**

**Part VI**

*Export to the United States*

84. This Part applies only to the export of animals from Canada to the United States.

85. No person shall export to the United States an animal that is affected with an infectious or contagious disease.

86. (1) This section applies only in respect of such animals as are from time to time designated by the Minister.

(2) No person shall export an animal to the United States unless it has been inspected by a veterinary inspector, an accredited veterinarian or such other person as the Veterinary Director General may authorize to make inspections for the purposes of this section, and found by him to be free from infectious or contagious disease.

(3) The Minister may authorize persons inspecting animals pursuant to this section to issue certificates in such form as the Minister may prescribe.

87. The Minister, on the recommendation of the Veterinary Director General, may in any particular case exempt an animal from all or any of the provisions of this Part.

88. An animal affected with actinomycosis or Brucellosis or cattle that have reacted to the tuberculin test or the blood test for Brucellosis may be exported from Canada to the United States with special permission granted by the Veterinary Director General at the request of the United States Agricultural Research Service.

**Part VII**

*Named Diseases*

89. In this Part "named disease" means glanders, maladie du coit (dourine), anthrax, hog cholera, mange, vesicular exanthema of swine, sheep scab, rabies, scrapie, avian pneumoencephalitis, fowl pest, fowl typhoid or such other contagious or infectious disease as may be designated by the Minister for the purposes of this Part.

90. No person shall allow an animal that is affected with or is suspected by him to be affected with a named disease to run at large or come in contact with an animal that is not so affected.

91. Where by reason of the existence or suspected existence of a named disease a place is pursuant to the Act declared to be an infected place, no animal shall during the time that such place is an infected place be removed from or brought on to that place except under the authority of an inspector.

92. Every place or thing that in the opinion of an inspector is infected with or is suspected by an inspector of being infected with a named disease shall, if an inspector so orders, be thoroughly cleansed and disinfected at the expense of the owner at such time and place and in such manner as an inspector may order.

**Animal Contagious Diseases Act—continued**

93. An animal that is affected with or has been in contact with an animal that is affected with a named disease may on the order of a veterinary inspector be isolated, dipped or otherwise treated, or slaughtered and the carcass disposed of as in the order prescribed, and in the case of *maladie du coit* the animal may on the order of a veterinary inspector be castrated.

94. No person shall use for breeding purposes any animal that is or is suspected by him to be affected with *maladie du coit*.

95. Carcasses of animals that died of anthrax or suspected anthrax shall not be skinned or cut in any way but such carcasses together with all litter, excreta and all other articles that may have been in contact with them shall be dealt with in accordance with the orders of a veterinary inspector and in a manner satisfactory to him.

96. Premises on which animals affected with anthrax have been kept shall be dealt with at the expense of the owner or occupier in a manner satisfactory to a veterinary inspector.

97. (1) An inspector may order any person having ownership, possession or control of a dog that is found or suspected by an inspector to be affected with rabies or to have been exposed to the infection of rabies to isolate or muzzle the dog as the inspector may require and every person to whom such an order is directed shall comply with the order.

(2) Whenever an inspector reports to the Minister that rabies is known or suspected to exist in any locality the Minister may order that all dogs or other animals within such area as he may determine or prescribe shall be detained, isolated or muzzled in such manner and during such period as the Minister may see fit and every person shall comply with the provisions of the order.

(3) Whenever the Minister has made an Order pursuant to subsection (2), any dog or other animal that is not detained, isolated or muzzled in the manner prescribed by the Minister in such order, may be destroyed by an inspector, a superintendent under the Indian Act, a game officer appointed under the Ordinances of the Northwest Territories, a provincial conservation officer, a provincial game guardian, game warden or game officer, or by any municipal, provincial or federal police constable or officer.

98. (1) Eggs in any place declared to be an infected place under the Act by reason of the existence of avian pneumoencephalitis, fowl pest, fowl typhoid or eggs that have been obtained from any such place may on an order signed by a veterinary inspector be forthwith destroyed and disposed of as in such order provided.

(2) Compensation may be paid in respect of eggs or poultry destroyed pursuant to the Act or these regulations but any compensation so paid shall not exceed the current market value thereof.

**Part VIII***Serious Outbreaks of Infectious or Contagious Diseases*

99. (1) Whenever the Minister is of opinion that a serious outbreak of an infectious or contagious disease has occurred in any area in Canada, he may issue a declaration to that effect in which he shall designate the

**Animal Contagious Diseases Act—continued**

area, the disease and the animals likely to be affected thereby, and from the issue of the declaration until the Minister issues a further declaration declaring that the infectious or contagious disease is under effective control, no person shall, without the permission of an inspector or such other person as the Minister may designate in the declaration, move

- (a) any such animal
  - (i) into the designated area
  - (ii) out of the designated area, or
  - (iii) from one place in the designated area to another place in the designated area, unless both places are owned or occupied by the same person,
- (b) any flesh, hides, hoofs, horns or other parts of such animals, or in the case of poultry the eggs thereof, or any hay, straw, fodder or other things used for feeding or caring for such animals or any cereal grain
  - (i) out of the designated area, or
  - (ii) from one place in the designated area to another place in the designated area, unless both places are owned or occupied by the same person.

(2) Any permission given by an inspector or such other person designated by the Minister may be general or particular.

(3) Subsection (1) does not apply in respect of the movement out of the designated area of anything in an elevator, as defined in the Canadian Wheat Board Act, on the date the Minister's declaration comes into force.

100. The Minister may require that any designated animals, carcasses or portions thereof, eggs, or any articles used to hold or convey such animals, carcasses, portions or eggs, or anything contaminated or suspected of being contaminated with the disease designated pursuant to section 99, shall be treated, dealt with or disposed of in such manner as the Minister may direct.

101. Her Majesty in right of Canada or in any other right is bound by the provisions of this Part.

**Part IX**

*Exemptions from Operation of Sections of Act*

102. The diseases of actinomycosis and tuberculosis are exempt from the operations of sections 9, 10, 17, 36, 37, and 38 of the Act.

**Part X**

*Marking of Tuberculosis Affected Cattle*

103. Cattle that have reacted to a tuberculin test shall be deemed to be affected with tuberculosis and shall be permanently identified by an inspector with a red ear tag bearing the word "Reactor", placed in the left ear, or in such other manner as may from time to time be prescribed by the Veterinary Director General.



**Animal Contagious Diseases Act—continued****Part XI***Tuberculosis-Free Accredited Herds*

104. (1) A tuberculosis-free accredited herd is one

- (a) that has been tuberculin tested by the subcutaneous method, or any other test approved by the Veterinary Director General, and applied by a veterinary inspector or accredited veterinarian;
- (b) in which no animal affected with tuberculosis has been found upon two annual or three semi-annual tuberculin tests and by physical examination; and
- (c) in respect of which a certificate has been issued under this Part and is in force.

(2) In this Part "tuberculin test" means a test for tuberculosis by the subcutaneous method or such other method as the Veterinary Director General may prescribe.

105. (1) The owner of a herd of cattle may apply to the Veterinary Director General to have his herd certified as a tuberculosis-free accredited purebred herd.

(2) An applicant for a certificate under this Part shall enter into an agreement with the Veterinary Director General that he will abide by the terms thereof, the Act, this Part, and all directions made pursuant to this Part.

106. Before a certificate is issued under this Part the following steps shall be taken:

- (a) the owner of the herd shall make an arrangement with the Veterinary Director General for the tuberculin testing of the animals in the herd; and
- (b) the owner shall submit to the veterinary inspector or accredited veterinarian evidence satisfactory to the veterinary inspector or accredited veterinarian establishing the identity of each registered animal in the herd, and all cattle maintained in the herd or associated with animals in the herd shall be identified by a tag or other method satisfactory to the Veterinary Director General.

107. Unless the Veterinary Director General so authorizes, no cattle shall be presented by the owner for the tuberculin test if they have been injected with tuberculin within the sixty days immediately preceding the date of presentation or if they have at any time reacted to a tuberculin test.

108. When in the opinion of the Veterinary Director General the herd has successfully passed the required tuberculin tests he may issue to the owner a certificate in such form as he may prescribe, and unless sooner revoked the certificate shall remain in force for a period of one year from the date of the last test.

109. The Veterinary Director General may in his discretion cancel a certificate issued under this Part whenever he is of opinion that the holder thereof has violated any of the provisions of his agreement, these regulations of the Act, or has failed to comply with any directions made pursuant to these regulations.

**Animal Contagious Diseases Act—continued**

110. The entire herd, or any cattle in the herd, may be tuberculin tested or re-tested, either before or after the issue of a certificate under this Part, whenever the Veterinary Director General considers it necessary.

111. During the time that an agreement made under this Part is in force;

- (a) all milk and other dairy products fed to calves in the herd to which the agreement relates shall be that produced by a tuberculosis-free accredited purebred herd or it shall be pasteurized by heating to not less than one hundred and fifty degrees Fahrenheit for not less than twenty minutes; and
- (b) the owner of the herd shall observe all sanitary measures directed by or under the authority of the Veterinary Director General.

112. An applicant for or a holder of a certificate under this Part shall not permit any animals that have not passed the required tuberculin tests to associate with or to be added to the herd.

113. The owner of a tuberculosis-free accredited purebred herd or a herd in respect of which an application has been made under this Part shall report to the Veterinary Director General within fourteen days thereof any removals from the herd, giving the identification of the animals and, if disposed of, the name and address of the person who received them.

114. Cattle transferred by railway cars or other vehicles from one tuberculosis-free accredited purebred herd to another shall be so transferred only in properly cleaned and disinfected cars or other vehicles.

**Part XII**

*Brucellosis-Free Listed Herds*

115. In this Part

- (a) "Brucellosis-Free Listed Herd" means a herd that insofar as can be determined by the application of official agglutination or other test, by herd history, and by physical examination is recognized by the Veterinary Director General to be free from Brucellosis and in respect of which a certificate has been issued under this Part and is in force;
- (b) "official" as applied to any test means a test conducted by or under the authority of the officer in charge of the Animal Pathology Division, Department of Agriculture;
- (c) "officially vaccinated" as applied to an animal means an animal that pursuant to this Part has been treated from six through eight months of age inclusive with Brucella Abortus Strain 19 Vaccine of a potency approved by the Veterinary Director General;
- (d) "Registered Graduate Veterinarian" means a veterinarian who is a graduate of a recognized school, college or university and is registered and entitled to practice as a veterinarian under the laws of the province in which he resides.

116. The owner of a herd of cattle may apply to the Veterinary Director General to have his herd certified as a Brucellosis-Free Listed Herd and to have the herd supervised under the Brucellosis Control Policy of the Health of Animals Division of the Department of Agriculture.

**Animal Contagious Diseases Act—continued**

117. No herd shall be eligible to be certified as a Brucellosis-Free Listed Herd unless the herd is also dealt with under a tuberculosis eradication policy of the Health of Animals Division.

118. An applicant for a certificate under this Part shall enter into an agreement with the Veterinary Director General that he will abide by the terms thereof, the Act, this Part, and all directions made pursuant to this Part; the applicant shall also agree that he waives all claims for damages or compensation in respect of any animals removed or destroyed pursuant to this Part.

119. Before a certificate is issued pursuant to this Part the following steps shall be taken:

- (a) the owner shall make arrangements with a Registered Graduate Veterinarian for the collection and official testing of blood samples from all cattle in his herd over six months of age;
- (b) the blood samples shall be tested for Brucellosis at a laboratory approved by the officer in charge of the Animal Pathology Division, Department of Agriculture;
- (c) all laboratory reports respecting blood tests shall be forwarded to the Veterinary Director General;
- (d) if two blood tests of the herd made at three-month intervals are negative the owner may have a check test made three months later by a Veterinary Inspector or accredited veterinarian; and
- (e) blood tests of a herd may be commenced immediately after an agreement under this Part is entered into.

120. When a herd has been found to be negative to an official blood test for Brucellosis on two occasions at three-month intervals and the check test made three months later is negative, the owner shall be entitled to receive a certificate; the certificate shall be issued by the Veterinary Director General in such form as he may prescribe and unless sooner revoked the certificate shall remain in force for a period of one year from the date of the check test.

121. The Veterinary Director General may in his discretion cancel a certificate issued under this Part whenever he is of opinion that the holder thereof has violated any of the provisions of his agreement, the Act, or these regulations, or has failed to comply with any directions made pursuant to these regulations.

122. With the exception of unbred yearlings and cattle up to thirty-six months of age that have been vaccinated pursuant to this Part, all cattle in a Brucellosis-Free Listed Herd or in a herd in respect of which an application for a certificate has been made under this Part that are found by official blood test to be positive to Brucellosis shall, for the purposes of this Part, be deemed to be affected with Brucellosis; all such animals shall be permanently marked by an inspector, or by such person as may be designated by the Veterinary Director General, with the letter "B" on the right cheek in the following dimensions:

The "B" brand to be used for this branding shall be three and one-quarter ( $3\frac{1}{4}$ ) inches in height and two and one-half ( $2\frac{1}{2}$ ) inches in width, or in such other manner as may from time to time be prescribed by the Veterinary Director General.



**Animal Contagious Diseases Act—continued**

123. No cattle marked pursuant to section 122 shall be removed from the herd without a licence issued by a Veterinary Inspector or accredited veterinarian.

124. All cattle marked under section 122 may be removed from the herd under licence issued by a Veterinary Inspector or accredited veterinarian for immediate slaughter pursuant to section 11 of the Act or if, in the opinion of the Veterinary Inspector or accredited veterinarian, the circumstances warrant such action the animal may be removed from the herd as an addition to a Brucellosis infected herd if the owner of that herd notifies the Veterinary Director General in writing that he will not dispose of such animal except for slaughter or as in addition to another Brucellosis infected herd; and such owner shall agree not to dispose of such animal except for slaughter or as an addition to another Brucellosis infected herd.

125. No person shall have any claim to compensation or damages against Her Majesty or any of Her officers or servants in respect of an animal removed from a herd pursuant to section 124; and every person who has entered into an agreement pursuant to this Part shall be deemed to have waived any claim to such damages or compensation.

126. An applicant for or the holder of a certificate under this Part shall not permit other cattle (except cattle from Brucellosis-Free Listed Herds and officially vaccinated cattle up to thirty-six months of age) to associate with or to be added to his herd unless such animals have been found negative to the official blood test for Brucellosis on two successive occasions with an interval of at least thirty days between tests or such longer period as the Veterinary Director General may require; the second test shall be made after the animal has been isolated for at least thirty days on premises that are free of Brucellosis infection.

127. All additions pursuant to section 126 that are pregnant shall, unless from a Brucellosis-Free Listed Herd, be isolated pending parturition and the passing of a negative blood test for Brucellosis at least twenty-one days thereafter and not less than thirty days subsequent to the date of a preceding official test for Brucellosis.

128. All check tests made for the purpose of establishing the eligibility of a herd for a certificate under this Part, final tests of additions to herds, tests of Brucellosis-Free Listed Herds and all annual tests of Brucellosis-Free Listed Herds shall be conducted by a Veterinary Inspector or accredited veterinarian.

129. The Veterinary Director General may cancel the certificate issued in respect of a herd if any tests mentioned in section 128 are made otherwise than as prescribed by that section or if in the opinion of the Veterinary Director General the holder of the certificate has permitted the taking of blood samples for tests for Brucellosis that are not official.

130. A Brucellosis-Free Listed Herd shall be officially tested annually for Brucellosis and any animal in the herd may be tested or retested at such times as the Veterinary Director General may deem necessary.

131. The owner of a Brucellosis-Free Listed Herd or a herd in respect of which an application for a certificate has been made under this Part shall report to the Veterinary Director General within fourteen days thereof any removals from the herd.

**Animal Contagious Diseases Act—continued**

132. The holder of a certificate issued under this Part shall observe all sanitary measures directed by or under the authority of the Veterinary Director General.

133. All animals in a Brucellosis-Free Listed Herd that upon annual or other tests are found to be questionable shall, unless officially vaccinated, be isolated and retested at intervals of not less than thirty days; such questionable animals shall not be removed from the herd except in the manner and under the conditions prescribed by section 124.

134. All milk and other dairy products fed to calves in a Brucellosis-Free Listed Herd shall be obtained from Brucellosis-Free Listed cattle or shall be pasteurized or brought to boiling point.

135. An applicant for or holder of a certificate under this Part shall not vaccinate any animal in his herd except in accordance with this Part.

136. Animals shall not be eligible for official vaccination unless they are the natural increase in a Brucellosis-Free Listed Herd or a herd in respect of which an application has been made under this Part or under a provincial plan that conforms to this Part and have passed at least one negative test for Brucellosis.

137. Official vaccination shall be done by a Registered Graduate Veterinarian engaged by the applicant for or holder of a certificate under this Part who shall accept all responsibility therefor.

138. A calf that at the time of vaccination is not carrying the Health of Animals Division ear tag or other identification approved by the Veterinary Director General shall be identified by the Registered Graduate Veterinarian by attaching a Health of Animals Division ear tag in the left ear; the Registered Graduate Veterinarian shall record on a form prescribed by the Veterinary Director General a description of the calf, the date of vaccination and other relevant information and shall forthwith forward the same to the nearest Health of Animals Division District or Sub-district Office.

139. No Registered Graduate Veterinarians shall attach a Health of Animals Division ear tag to an animal unless that animal has been vaccinated by him pursuant to this Part or unless he is by some other Part of these regulations authorized so to affix the ear tag.

140. It is not necessary to take a blood sample from an officially vaccinated calf before it has reached the age of twenty-four months except to qualify it for export or for such other purposes as may be authorized by a Veterinary Inspector or accredited veterinarian.

141. An officially vaccinated animal in a Brucellosis-Free Listed Herd shall, for the purpose of this Part, until it has attained the age of thirty-six months be deemed to be free from Brucellosis notwithstanding that official blood tests for Brucellosis are positive, negative or questionable, unless the animal shows actual evidence of Brucellosis infection.

142. Whenever in the opinion of a Veterinary Inspector or accredited veterinarian, Brucellosis infection has been introduced into or occurs in a Brucellosis-Free Listed Herd all animals in the herd including officially

**Animal Contagious Diseases Act—continued**

vaccinated animals of any age shall be submitted to a blood test and any officially vaccinated animal twenty-four months of age or more showing a positive reaction shall be isolated and retested.

143. For the purpose of this Part, cattle shall be deemed to be officially vaccinated if they are vaccinated with Brucella Abortus Strain 19 Vaccine under a provincial plan which conforms to this Part or under a federal-provincial plan of vaccination approved by the Veterinary Director General.

**Part XIII**

*Restricted Areas*

144. This Part applies to areas that have been constituted restricted areas pursuant to this Part or pursuant to regulations made under the Act prior to the coming into force of these Regulations.

145. The Minister of Agriculture of any province may apply to the Minister to have the whole or any portion of the province constituted a restricted area for the eradication of bovine tuberculosis.

146. The application shall state:

- (a) the location and boundaries of the proposed restricted area;
- (b) the approximate number of cattle within it;
- (c) that a majority consisting of at least two-thirds of the cattle owners in the area are in favour of having their cattle tested for the eradication of tuberculosis; and
- (d) that the provincial Government whenever requested by the Minister, will assist in the enforcement of this Part by conducting prosecutions of persons accused of obstructing or refusing to assist inspectors engaged in the work of testing cattle, and persons who, in any way, refuse to obey the regulations made hereunder.

147. When the Minister approves the application, the Governor in Council may by order constitute the proposed restricted area a restricted area for the eradication of bovine tuberculosis.

148. Cattle may be moved into or out of a restricted area only under the following conditions:

- (a) cattle from tuberculosis-free accredited herds and accompanied by a certificate of a veterinary inspector or accredited veterinarian may enter the area without test;
- (b) other cattle entering the area for permanent stay, except steers and heifers of a feeder type, originating in herds other than those in restricted areas shall not be permitted entry into a restricted area unless the herd of origin has passed a negative tuberculin test within the previous twelve months and the cattle entering the area have passed a negative tuberculin test within the sixty days immediately preceding their entry into the area;
- (c) steers and heifers of a feeder type may be admitted into the area without test if
  - (i) they are accompanied by a licence issued by a veterinary inspector or accredited veterinarian; and



**Animal Contagious Diseases Act—continued**

- (ii) they are isolated from other cattle and are submitted to a tuberculin test conducted by a veterinary inspector or accredited veterinarian upon arrival; and any cattle that react to the test shall forthwith be removed and slaughtered without compensation;
- (d) cattle for entry into the area for exhibition purposes or other temporary stay other than the classes described in paragraphs (a) and (b) shall before entering the area be subjected to and pass a tuberculin test conducted by a veterinary inspector or an accredited veterinarian;
- (e) cattle for immediate slaughter consigned to slaughterhouses approved by the Veterinary Director General may be brought into the area without test, but they shall not be allowed to come in contact with other cattle, and shall be kept isolated on the premises until slaughtered; and any unfinished cattle not immediately slaughtered may be held for feeding purposes under the following conditions:
  - (i) they shall be submitted to a tuberculin test by a veterinary inspector or accredited veterinarian;
  - (ii) reactors shall be promptly removed and slaughtered without compensation;
  - (iii) non-reactors may be moved to any premises within the area for feeding purposes; they shall be isolated and quarantined for a re-test to be conducted after the expiration of a sixty-day period and shall be subject to further quarantine until slaughtered or they have passed two further tuberculin tests conducted at six-month intervals;
- (f) cattle in transit across the area by rail shall not be unloaded except at a point designated by the Veterinary Director General for the purpose, where they may be kept from contact with other cattle within the area;
- (g) cattle shall not be driven across the area by road unless special permission has been obtained in writing from the veterinary inspector in charge of the area.

149. Owners of cattle within a restricted area shall assist veterinary inspectors and accredited veterinarians in making test by assembling the cattle when requested by the veterinary inspector or accredited veterinarian and giving whatever additional help he may reasonably require, and owners when requested by any veterinary inspector or accredited veterinarian shall furnish meals and bed for the veterinary inspector or accredited veterinarian while he is conducting the test.

150. Suitable transportation from farm to farm within a restricted area for inspectors, veterinary inspectors and accredited veterinarians shall be provided by the provincial government.

151. Use of syndicate or joint bulls is permitted in herds that are equally free from disease but not otherwise.

152. (1) All cattle within a restricted area, unless otherwise provided for in this Part, shall be submitted to a tuberculin test as soon as practicable by veterinary inspectors and accredited veterinarians and shall be re-tested whenever deemed necessary by the Veterinary Director General.

**Animal Contagious Diseases Act—continued**

(2) Reactors to the test shall be marked for identification and shall forthwith be disposed of by slaughter under inspection.

153. No person shall feed cattle within a restricted area on by-products of cheese factories, skimming stations or butter factories unless the by-products have first been sterilized by heat.

154. The Minister may order exempt from the operation of this Part public stockyards and other areas for the assembling and marketing of cattle.

155. All premises and articles infected, or suspected of being infected, with tuberculosis, shall be thoroughly cleaned and disinfected by and at the expense of the owner or occupier, in a manner satisfactory to an inspector.

156. The Veterinary Director General may declare any county, municipality, district or other area an accredited area for a period of three to six years under the following conditions:

- (a) when the percentage of cattle affected with tuberculosis does not exceed one-half of one per cent the area may be accredited for a period of three years;
- (b) when the percentage of cattle affected with tuberculosis does not exceed two-tenths of one per cent the area may be accredited for a period of six years, and the area may be continued accredited for a further period of three years if there are no indications that the percentage of tuberculosis is increasing;
- (c) when the percentage of cattle affected with tuberculosis is over one-half of one per cent, but not more than one per cent, the area may be accredited for a period of three years, if the affected herds are re-tested and the percentage of affected cattle, as a result of this re-test, does not exceed one-half of one per cent of the total number of cattle within the area;
- (d) a range or semi-range area may be accredited for a period of three years when all cattle in herds not considered range or semi-range herds have been submitted to a tuberculin test, and when in the range or semi-range herds all bulls, pure-bred breeding cattle, milch cows, home-fed cattle and, in addition, a representative group of at least ten per cent of the range or semi-range cattle, have been submitted to a tuberculin test, and the percentage of cattle infected does not exceed one-half of one per cent, but when a reactor to a tuberculin test, or other evidence of tuberculosis, is found in a range or semi-range herd the entire herd shall be tested.

**Part XIV**

**IMPORTATION OF ARTICLES**

*Interpretation*

157. In this part

- (a) "approved premises" means premises approved by the Veterinary Director General for disinfection under this Part;
- (b) "restricted import animal product" means anything that under this Part is permitted entry into Canada subject to disinfection.

**Animal Contagious Diseases Act—continued***Foreign Wool and Hair*

158. (1) Except as provided in this Part no person shall import into Canada raw wool, raw hair or raw bristles.

(2) Raw wool, raw hair and raw bristles may be imported into Canada from any part of the world in accordance with this Part if it is accompanied by a certificate of origin or a certificate of disinfection.

159. (1) The certificate of origin shall be a certificate satisfactory to a veterinary inspector and indicating a country of origin that in the opinion of the Minister has been free from foot-and-mouth disease for a period of six months prior to the date of presentation of the shipment for entry into Canada.

(2) The certificate of origin shall be either

(a) from a responsible government official of the country of origin or of a country through which it has passed; or

(b) from a responsible official of the Chamber of Commerce of the town from which the wool is shipped to Canada, giving the country of origin.

(3) The statement of the country of origin in the certificate is not conclusive, and the veterinary inspector may examine any documents accompanying the shipment for the purpose of ascertaining the country of origin.

160. The certificate of disinfection shall be a certificate signed by a responsible official of the United Kingdom Government Wool Disinfection Station at Liverpool, England.

161. Shipments of raw wool, raw hair or raw bristles not accompanied by a certificate of origin or a certificate of disinfection shall be held at the point at which they enter Canada until licensed to their destination by a veterinary inspector for disinfection there; shipments via United States ports destined to or routed through Montreal, Toronto or Winnipeg, may be allowed to proceed to these places, but shall not proceed further without a licence from a veterinary inspector, and each of the waybills, conductors' manifests, memoranda and bills of lading pertaining to such shipments shall have the words "Hold for veterinary supervision and licence at Montreal, Toronto or Winnipeg", as the case may be, plainly stamped or written across the face.

162. Shipments of raw wool, raw hair or raw bristles produced or given consumption entry in the United States may be imported into Canada at the discretion of the Veterinary Director General without disinfection and without a certificate as prescribed in section 158.

163. (1) Wool, hair and bristles subject to disinfection under this Part shall be disinfected under the supervision of an inspector, and such wool, hair or bristles shall not be permitted to go forward to destination until the consignee satisfies the Minister that he has, or can provide, the necessary facilities for disinfection.

(2) The disinfection when required by this Part shall consist of exposure to a temperature of not less than one hundred and eighty-five degrees Fahrenheit for at least fifteen minutes, or in such other manner as may be required by the Veterinary Director General.



**Animal Contagious Diseases Act—continued**

164. Tops, waste, noils, laps, small trade samples, lime pulled wool and hair, scoured wool and hair and carbonized wool and hair may be imported into Canada without restriction.

165. No person shall import into Canada matted or bloodstained wool, hair or bristles.

*Foreign Hides, Skins and Glue Stock*

166. No person shall import into Canada any untanned hides or skins of cattle, buffalo, sheep, goats, other ruminants, swine, horses, mules or asses except as follows:

- (a) untanned hides and skins originating in the United States of America may be imported if each shipment is accompanied by a sworn declaration of the shipper that the hides or skins were taken from animals that originated in that country;
- (b) untanned hides and skins originating in other countries that in the opinion of the Minister are free from foot and mouth disease, rinderpest, and other serious epizootic diseases, may be imported direct or *via* the United States, if accompanied by a certificate signed by an official veterinarian of the country of origin stating that anthrax is not prevalent, that foot-and-mouth disease, rinderpest, or any other serious epizootic disease does not exist in that country, and that the hides and skins were taken off animals in that country;
- (c) hard-dried hides and skins originating in any country may be imported if found upon inspection by an inspector to be thoroughly hard-dried;
- (d) untanned hides and skins originating in any country may be imported for disinfection if consigned to approved premises.

167. (1) No person shall import into Canada bones, hoofs, horns, fleshings, hide cuttings or parings, raw animal products or other glue stock from any country in which foot and mouth disease, rinderpest, or other serious epizootic diseases exist in the opinion of the Minister.

(2) The products mentioned in subsection (1) and originating in countries that in the opinion of the Minister are free from foot and mouth disease, rinderpest, and other serious epizootic diseases may be imported if they are disinfected as provided in this Part at approved premises.

168. (1) Documents accompanying shipments of hides and skins mentioned in paragraph (a) or (b) of section 166 shall show identification markings, invoice number, names and addresses of consignor and consignee, and the title of the person whose signature is attached.

(2) Shipments of hides and skins unaccompanied by the documents mentioned in subsection (1), or accompanied by documents unsatisfactory to an inspector, may be imported only after disinfection at approved premises as provided in this Part.

169. (1) All shipments presented for entry under paragraph (d) of section 166 and section 167 shall be forwarded to approved premises for disinfection in cars sealed by inspectors or customs officials.

(2) The seals shall be broken at destination points only by inspectors or customs officials.

**Animal Contagious Diseases Act—continued**

(3) All such shipments shall be unloaded under the direction of inspectors.

(4) Restricted shipments shall not be removed from storage premises until special permission has been received from the Veterinary Director General.

(5) Boats and cars conveying such shipments, and trucks, vehicles, and all contact matter shall be disinfected to the satisfaction of an inspector.

(6) All persons shall wear gloves in handling uncertified shipments, and until such shipments reach the beam-house.

(7) The water and other fluids used in the first soaking of such shipments shall not be permitted to flow into streams, unless they have first been sterilized by heat, or by the addition of a disinfectant approved by the Veterinary Director General.

*Disinfection*

170. Restricted import animal products shall be conveyed to the place of disinfection only in railway cars.

171. Transportation companies shall securely affix and maintain on both sides of all cars carrying restricted import animal products durable placards not less than five and one-half inches wide and eight inches long on which is printed with permanent black ink and in bold face letters not less than one and one-half inches in height the words "Restricted import animal product" and the words "Clean and disinfect this car".

172. Every waybill, conductor's manifest, memorandum and bill of lading pertaining to a shipment of a restricted import animal product shall have the words "Restricted import animal product; clean and disinfect car" plainly written or stamped upon its face.

173. All cars that have been used for carrying restricted import animal products shall be cleaned and disinfected under the supervision of an inspector by the final carrier at the point of destination as soon as possible after unloading and before the cars are removed from the final destination point.

174. Where the products are destined to places at which an inspector and proper facilities are maintained the cars shall be cleaned and disinfected at those places under the supervision of the inspector.

175. Where the products are destined for places at which an inspector is not maintained the transportation company shall seal and forward the cars to a place to be agreed upon between the transportation company and the Veterinary Director General at which an inspector is maintained and the transportation company shall there clean and disinfect the cars under the supervision of an inspector.

176. Where restricted import animal products are transferred from one car to another the cars from which the transfer is made and any part of the premises at the place of transfer that may have been contaminated shall be cleaned and disinfected by the transportation company and the transportation company shall immediately report the transaction by telegraph to the Veterinary Director General and shall include in the report the following information:

**Animal Contagious Diseases Act—continued**

- (a) the nature of the emergency that necessitated the unloading;
- (b) the place where the shipment was unloaded;
- (c) the original points of shipment and destination;
- (d) the number and initials of the original car; and
- (e) the number and initials of the cars into which the shipment was reloaded.

177. The disinfection of hides and skins shall be carried out as expeditiously as possible and shall consist of one of the following methods, or any other method approved by the Veterinary Director General:

- (a) by immersion for not less than twenty-four hours in a one to one thousand bichloride of mercury solution;
- (b) by immersion for not less than twenty hours in a solution containing two per cent absolute hydrochloric acid (hydrogen chloride) and ten per cent sodium chloride;
- (c) by immersion for not less than forty hours in a solution containing one per cent absolute hydrochloric acid (hydrogen chloride) and ten per cent sodium chloride;
- (d) by immersion for not less than twenty-four hours in a solution containing one per cent formic acid and mercuric chloride in the proportion of one part to two thousand five hundred parts of the solution; hides and skins treated by this process shall be held for two weeks following the treatment before neutralization;
- (e) by dehairing and pickling in a solution of salt containing a mineral acid, and packing in barrels, or casks, while still wet with such solution, and the hides or skins are not neutralized within thirty days after being packed;
- (f) by dehairing by the liming process by immersion for not less than twelve hours in a solution containing not less than fifteen pounds of lime to each one hundred gallons of water.

178. All bones, hoofs, horns, fleshings, hide cuttings or parings, raw animal products or other glue stock shall be moved from the frontier part to approved premises in containers approved by the Veterinary Director General, or in cars sealed by Customs or Health of Animals Division officials, and, upon arrival at the establishment, disinfected before removal therefrom by one of the following methods, or any other special method approved by the Veterinary Director General:

- (a) by heating in water at a temperature of two hundred and twelve degrees Fahrenheit for not less than fifteen minutes, or by heating in water at a temperature of not less than one hundred and eighty degrees Fahrenheit for not less than four hours;
- (b) by soaking in a milk of lime, or a lime paste, for not less than twenty-four hours;
- (c) by soaking in water containing not less than two per cent of absolute hydrochloric acid for not less than twenty hours;
- (d) by soaking in water containing not less than one per cent of absolute hydrochloric acid for not less than forty hours;
- (e) hoofs and horns may be treated by heating in water at a temperature of not less than one hundred and sixty-five degrees Fahrenheit for not less than fifteen minutes.



**Animal Contagious Diseases Act—continued**

179. All containers shall either be burned or subjected to moist heat at a temperature not less than two hundred and twelve degrees Fahrenheit for not less than fifteen minutes.

*Refuse from Ships*

180. (1) Except as provided in subsection (2), no person shall land or discharge manure, garbage or other refuse in any port or waters of Canada from ships arriving in such port or waters from any other country, or which remain in or are passing through such port or waters.

(2) Manure, garbage or other refuse may be landed or discharged at the ports of St. John's, Halifax, Saint John, Quebec, Montreal, Vancouver, Victoria and such other ports as the Minister may designate, under the following conditions:

- (a) the manure, garbage or other refuse to be landed or discharged is contained in closed, leak-proof metal containers;
- (b) the manure, garbage or other refuse is landed or discharged under the supervision of an inspector and is destroyed by incineration at the nearest incinerator; and
- (c) the containers are thoroughly cleansed and disinfected after use under the supervision of an inspector by being subjected to heat at a temperature of not less than one hundred degrees Centigrade, for not less than fifteen minutes.

*Merchandise*

181. (1) No person shall import into Canada any merchandise packed in hay, straw, or any other raw product of the soil from any countries except the United States, New Zealand and Australia, unless:

- (a) the merchandise is accompanied by a certificate signed by a properly qualified and authorized government veterinarian of the country of origin to the effect that the packing has actually been effectively disinfected by being placed loosely in an air-tight compartment, the temperature of which was maintained at not less than sixty-five degrees Fahrenheit and spraying over and into the packing ten fluid ounces of formaldehyde solution (containing not less than thirty-seven per cent formaldehyde by weight) for each one thousand cubic feet of space in the compartment which was immediately closed, and kept closed for not less than eight hours;
- (b) the shipments have been disinfected at a fumigation station maintained by the Department of Agriculture, or disinfected under the supervision of an inspector at a fumigation station approved by the Minister, at a cost to the shipper, or importer, of fifty cents per package of one hundred pounds, or under, or ten cubic feet or under, and one dollar per package, over one hundred pounds in weight, or over ten cubic feet.

(2) In this section the expression "properly qualified and authorized veterinarians" means veterinarians whose names have been forwarded to the Veterinary Director General by the national governments of the countries of origin.

(3) Whenever an inspector suspects that merchandise was packed in hay, straw or any other raw product of the soil, of any countries except the United States, New Zealand and Australia, he may open or cause to be opened at the expense of the shipper, any package in order to determine whether the merchandise was packed in such a manner.

**Animal Contagious Diseases Act—continued**

*Manure, Fertilizers and Feeding Stuffs Containing Animal Matter*

182. (1) Except as provided in subsection (2), no person shall import
- (a) raw manure,
  - (b) fertilizers containing animal products, or
  - (c) bone meal or feeding stuffs for animals containing animal matter.

(2) The products enumerated in paragraph (b) and (c) of subsection (1) originating in and shipped direct from countries that in the opinion of the Minister have been free from foot and mouth disease for a period of six months immediately preceding date of shipment, and bone meal from especially approved premises in Great Britain, may be imported, but all shipments of such products shall be accompanied by the sworn declaration of the shipper stating the country of origin and that the product had not been outside of that country before direct shipment to Canada.

*Feeding Stuffs*

183. (1) Subject to subsection (2), no person shall import into Canada any bran, middlings, beet pulp, or other mill feeds, corn, oats, wheat, rye, buckwheat or other grains, for use in the feeding of livestock, or capable of conversion into feed for livestock after importation into Canada, unless the shipment is accompanied by the following documents:

- (a) the certificate of a Canadian Consular officer, or if there is no Canadian Consular officer, a British Consular officer, resident in the country of origin, or a specially authorized official in the country of origin, whose name has been received by the Minister, showing,
  - (i) if the product is shipped in bags, that it was sacked in new bags that were not previously used for any purpose at a mill, elevator or warehouse at the port of shipment, or at a central interior place where inspection was made and that the bags were transferred from the place where the product was sacked, by disinfected cars, trucks, barges or chutes, to the vessel transporting the shipment to Canada,
  - (ii) if the product is shipped in bulk, that it was transferred direct from a mill, elevator or warehouse at the port of shipment by disinfected cars, trucks, barges or chutes to the vessel transporting the shipment to Canada, and
  - (iii) if the product is shipped part in bulk and part in bags, that the portion of the shipment that is in bags complies with subparagraph (i) and the portion that is in bulk complies with subparagraph (ii);
- (b) a certificate of the captain of the vessel on which the product is shipped to Canada that no cattle, sheep, goats, other ruminants, nor swine, except those accompanied by a permit from the Minister, were embarked for any purpose on board the vessel on which the shipment so certified was conveyed to Canada.

(2) Any of the products mentioned in subsection (1) may be imported from countries declared by the Minister to be free from foot and mouth disease for a period of six months immediately preceding the date of shipment if they are shipped direct to Canada and are accompanied by

- (a) a sworn declaration of the shipper that the product was grown in such country, and had not been out of that country prior to

**Animal Contagious Diseases Act—continued**

shipment to Canada, and if second hand bags are used a further declaration that the bags originated in that country and had not been out of that country prior to shipment; and

- (b) in the case of overseas shipments, a certificate by the captain of the vessel on which the product was shipped that no cattle, sheep, goats, other ruminants nor swine, except those accompanied by a permit from the Minister, were embarked for any purpose on board the vessel on which the shipment so certified was conveyed to Canada.

184. No person shall import into Canada any hay, straw and other similar forage for use in feeding livestock from any country other than the United States.

*Meats and Meat By-Products*

185. (1) No person shall import into Canada either direct, or via other countries, any meats or meat products, (other than cooked canned meats, cooked canned meat by-product, edible tallow and oleo stearine) from countries in which foot and mouth disease, or rinderpest, has in the opinion of the Minister existed during the preceding twelve months, except that feathered game may be imported if the feet of the birds have been removed at a point above the spur or spur core.

(2) An inspector may at any time enter and search any ship or vessel, in or upon which he reasonably believes may be found any article the importation of which is prohibited by this section, and may seize and destroy without compensation any such article he reasonably believes was imported contrary to this section.

(3) Subsection (2) does not apply to

- (a) ships or vessels landing, docking or arriving at ports on the Atlantic or Pacific Ocean, or on the Gulf of St. Lawrence and not destined to any place west of the port of Montreal, or
- (b) to ships or vessels landing, docking or arriving at the port of Montreal and destined to any place west of the port of Montreal, if the storage compartments thereof containing the articles referred to in subsection (2) have been sealed by an inspector immediately upon the first arrival at the port of Montreal, and the seal is unbroken during such time as the ship or vessel is at the port of Montreal or west of the port of Montreal.

*Fabrics*

186. No person shall import into Canada any secondhand, or previously used cheesecloth or other fabrics, that have been used in the covering of meats, unless the shipment is accompanied by the sworn declaration of the shipper, and the inspector is satisfied that the fabrics have been boiled in a solution of caustic potash or caustic soda.

*Hatching Eggs*

187. (1) No person shall import into Canada from the United States any poultry eggs for hatching purposes unless they are presented for entry in new, clean containers and are accompanied by a certificate issued by a veterinarian of the United States Agricultural Research Service or by a



**Animal Contagious Diseases Act—continued**

State veterinarian and endorsed by a veterinarian of the United States Agricultural Research Service stating to the best of his knowledge the eggs to which the certificate relates originated from a flock that is free from avian pneumoencephalitis (Newcastle Disease), fowl pest and fowl typhoid.

(2) No person shall import into Canada from any country other than the United States any poultry eggs for hatching purposes unless they are presented for entry in new, clean containers and are accompanied by a certificate signed by a veterinarian authorized by his national government to certify to the effect that the eggs to which the certificate relates originate from a flock that is free from avian pneumoencephalitis (Newcastle Disease), fowl pest and fowl typhoid.

*Semen*

188. No person shall import into Canada the semen of animals for artificial insemination without a permit issued by the Veterinary Director General.

189. Application for a permit to import semen shall be made in writing to the Veterinary Director General, and the application shall be accompanied by a certificate signed or endorsed by an official veterinarian of the national government of the country of origin showing that the animal from which the semen is to be obtained has been examined and found free from any evidence of infectious or contagious disease.

190. (1) When the semen is to be used for the impregnation of cows an official certificate shall accompany the application for a permit.

(2) The certificate mentioned in subsection (1) shall state:

- (a) that the bull has passed a negative test for Brucellosis within the previous twelve months; and
- (b) that the bull and the herd in which it is kept are free from tuberculosis.

191. To secure a permit to import semen from purebred animals duty-free for the improvement of stock the applicant shall state the breed, registered name and registration number of the male animal from which the semen is to be obtained, the book of record in which registered and the name and address of the owner of the animal.

192. No permit to import semen shall be issued unless the country of origin has been declared by the Minister as having been free from foot and mouth disease and rinderpest for a period of six months preceding date of application.

**Part XV**

*Veterinary Biologics*

193. In this part,

- (a) "veterinary biologics" means aggressins, serums, viruses, toxins, tuberculin, mallein, Johnin, abortin, vaccines, micro-organisms either living or killed, and products of micro-organisms intended for use in the treatment or diagnosis of diseases of animals;
- (b) "permit" means the permit of the Veterinary Director General;
- (c) "licence" means the licence of the Veterinary Director General;
- (d) "department" means the Department of Agriculture.

**Animal Contagious Diseases Act—continued**

194. No person shall import veterinary biologics into Canada without a permit issued by the Veterinary Director General under this Part which shall specify the biologics to be imported; an additional permit shall be required for the importation of further biological products.

195. Permits shall be valid for the calendar year in which they are issued but may be revoked at any time by the Veterinary Director General.

196. Applications for permits shall be made on forms supplied by the Veterinary Director General, and shall furnish the information therein required, which shall include the name of each product, the name and address of the manufacturer, and of the shipper, and the name of the country, or countries, in which the products are manufactured; the official designating number, stamp, or mark of products approved by countries in which their manufacture is officially regulated shall also be shown.

197. Such samples of imports as the Veterinary Director General may deem necessary for testing for potency, sterility and immunizing properties, shall be furnished by the importer free of any charge, but the Veterinary Director General shall furnish such importer with a report of the test of the sample within a reasonable time.

198. (1) No person shall manufacture veterinary biologics in Canada without a licence issued by the Veterinary Director General under this Part.

(2) Applications for licences shall be made on the forms supplied by the Veterinary Director General.

(3) The Veterinary Director General shall, upon receipt of an application, cause an inspection to be made of the premises, and no licence shall be issued unless a satisfactory report is received from the person making the inspection.

(4) Licences shall not be issued until the premises and equipment are suitable and sufficient for the purpose, and the person in charge of the manufacture has the training, skill and experience necessary for the work.

(5) The Veterinary Director General may require the person in charge of the manufacture of veterinary biologics to submit his qualifications, and shall not issue licences to manufacturers who do not employ a graduate of a recognized veterinary or medical college to supervise the manufacture of the biologics.

(6) The veterinary biologics that may be manufactured under the licence shall be specified in the licence and manufacturers shall not manufacture biologics other than those so specified.

(7) The Veterinary Director General may amend licences by adding or removing the name of any biologic.

(8) The Veterinary Director General may cancel any licence issued by him whenever in his opinion the manufacturer fails to observe the conditions of the permit or the provisions of this Part.

(9) Unless sooner cancelled licences shall be valid for the calendar year in which they are issued.

**Animal Contagious Diseases Act—continued**

(10) Licences shall be numbered and shall be in the following form:

CANADA

Department of Agriculture

Health of Animals Division

Licence to Manufacture Veterinary Biologics

Under authority of the Animal Contagious Diseases Act and Regulations  
 ..... is licensed to manufacture at the premises  
 situated at ..... in the .....  
 of ..... in the province of .....  
 the following biologics .....  
 .....  
 .....

This licence is for the calendar year .....

Dated .....

Signed .....  
 Veterinary Director General.

199. (1) Labels and advertising matter are subject to the approval of the Veterinary Director General and shall not be used until they are so approved.

(2) Labels shall not include any false or misleading name or description of the articles or product labelled or advertised.

(3) Each trade label shall bear a return date affixed before the biologic is removed from the establishment, and the date shown shall be a date after which the manufacturer does not guarantee the product to be of full strength or potency.

(4) Labels shall include the following statement—"Licensed by the Department of Agriculture, Establishment No. ....".

200. (1) Establishments in which veterinary biologics are manufactured shall be suitably located to prevent the spread of disease.

(2) Establishments shall be of such construction and finish as to permit of their being readily cleaned and maintained in a clean condition.

(3) Establishments shall be properly ventilated, lighted, appropriately drained and maintained in good sanitary condition.

(4) The water supply, both hot and cold, shall be ample and clean; adequate facilities shall be provided for the distribution of water and for the washing of all equipment, containers, instruments, machinery, other apparatus, and animals used in the preparation, handling, or storing of any biological product.

(5) Satisfactory methods to avoid contamination shall be employed in the preparation and bottling.



**Animal Contagious Diseases Act—continued**

(6) Manufacturers shall provide incinerators, or other approved methods, for the destruction of carcasses of animals and contaminated materials of a dangerous character.

(7) Animals affected with, or exposed to any infectious or communicable disease, shall be properly segregated.

(8) Animals used in the preparation or testing of any product shall not be removed from the premises except with the authority of the Veterinary Director General.

(9) Samples of the finished products of the establishments, and of any cultures, media, chemicals, and other materials, may be taken for examination by inspectors without compensation.

(10) Manufacturers shall admit to all parts of the premises under licence any inspector at any time of the day or night without notification.

(11) Manufacturers shall afford every facility for the inspection of all equipment and supplies, including chemicals, apparatus, instruments and other materials, and of livestock.

(12) Manufacturers shall afford every facility for the investigation of the procedure followed in the manufacture, storage, distribution and recording of biologics.

201. The following records shall be maintained in licensed establishments, and they shall at all times be available for inspection to inspectors, namely:

- (a) each lot, or batch, of each biologic shall have an identifying serial number, and the serial number shall be placed on the label of the product;
- (b) a record of the persons to whom the products have been distributed, and the record shall include the serial numbers of the biologics distributed;
- (c) a record of the manufacture of each biological product, and of tests for potency, sterility, and immunizing properties.

202. (1) Upon the request of the Veterinary Director General protocols of experiments relating to veterinary biologics shall be forwarded to him.

(2) The Veterinary Director General shall promptly notify the manufacturer at any time a product is found to be dangerous or of no value, which shall be identified by the serial number, and thereupon the manufacturer shall promptly recall the product in question and dispose of it in a manner approved by the Veterinary Director General.

**Part XVI***Stock Cars and Poultry Crates*

203. All stock cars intended for the conveyance of animals from any place in Canada to the United States, or for transit through United States territory to any other part of Canada shall be thoroughly cleaned and disinfected before the animals are placed therein.

204. All cars conveying animals into Canada from the United States, whether such animals are intended for places in Canada or for transit to some other part of the United States, shall be inspected, and unless found in a clean and sanitary condition shall be returned to the United States.

**Animal Contagious Diseases Act—continued**

205. (1) All stock cars, whether of Canadian origin or not, and whether empty or conveying merchandise other than livestock, entering Canada from the United States, if not showing evidence of having been so treated, shall be thoroughly cleaned and disinfected to the satisfaction of an inspector, and in default shall be returned to the United States.

(2) This section does not apply to empty stock cars, bonded and sealed with a customs seal, entering Canada from the United States in transit to some other part of the United States.

206. Stock cars that have conveyed animals from the United States to places in Canada shall be thoroughly cleaned and disinfected immediately after being unloaded, and before being returned to the country whence they came.

207. All inspections required by this Part shall be made between the hours of eight o'clock in the forenoon and four o'clock in the afternoon unless the railway company furnishes artificial lighting and other facilities satisfactory to an inspector, in which case inspections may be made for such company at any hour, on due notice being given to the inspector on duty for the time being.

208. Any animal dying from any cause whatever when in transit through Canada from one place in the United States to another in that country, shall not be removed from the car in which it died while in Canadian territory.

209. All swine entering Canada for transit and all cars conveying such swine shall be inspected by an inspector immediately after entering Canadian territory; and any cars containing swine showing evidence of disease, and any cars that are dirty or do not, in the opinion of the inspector, meet in every way the requirements of this Part shall be immediately returned to the United States.

210. All cars conveying swine from the United States into Canada intended for transit to some other part of the United States, shall be fitted with ten-inch foot boards in a manner satisfactory to an inspector.

211. The douching or drenching with water of swine originating in the United States or cars containing them while in transit through Canada is prohibited.

212. Swine originating in the United States, while in transit through Canada, shall not be unloaded from the cars containing them.

213. All empty stock cars arriving at or passing through any of the places hereinafter mentioned shall, unless bearing evidence of having previously been so treated, be cleaned and disinfected under the supervision of an inspector before being allowed to proceed:

St. John's, Corner Brook, Charlottetown, Halifax, Moncton, Saint John, Montreal, Quebec City, Ottawa, Toronto, Niagara Falls, Bridgeburg (Ft. Erie), Stratford, Winnipeg, terminals situated in the municipalities of Winnipeg, St. Boniface, Transcona, Regina, Prince Albert, Moose Jaw, Saskatoon, Lethbridge, Calgary, Edmonton, Edmonton South, Port Mann, New Westminster, Victoria and Coquitlam.

**Animal Contagious Diseases Act—continued***Trucks*

214. (1) In this section,

- (a) “establishment” means an establishment as defined in the Meat and Canned Foods Act; and
- (b) “stockyard” means a stockyard as defined in the Live Stock and Live Stock Products Act.

(2) Any owner or operator of any vehicle that has conveyed animals to any establishment or stockyard shall, to the satisfaction of an inspector, thoroughly cleanse and disinfect such vehicle immediately after unloading the vehicle, and before moving or causing to be moved such vehicle from the stockyard or establishment.

215. (1) In this section,

“community sale yard” means the land, building and structures where livestock, accepted on consignment or purchased for resale, is offered for sale by public auction.

(2) Any owner or operator of any vehicle that has conveyed animals to a community sale yard shall thoroughly cleanse and disinfect such vehicle immediately after unloading the vehicle, and before moving or causing to be moved such vehicle from the community sale yard.

(3) The provisions of this section apply only to community sale yards in the Province of Ontario.

*Aircraft*

216. (1) No person shall use aircraft for conveying animals from any place in Canada to any place outside Canada unless the aircraft is thoroughly cleansed and disinfected under the supervision of an inspector before the animals are placed in the aircraft.

(2) No person shall land in Canada from any place outside Canada any aircraft containing manure, litter, fodder, feeding stuffs, blankets, straw or other articles that may have been used by or for animals.

(3) Every person who lands in Canada any aircraft that was used for conveying animals prior to landing in Canada shall under the supervision and to the satisfaction of an inspector thoroughly cleanse and disinfect the aircraft immediately upon landing in Canada.

(4) Where in the opinion of an inspector any aircraft landing in Canada has been used for the conveyance of animals he may order that the aircraft be cleansed and disinfected under the supervision of an inspector immediately after landing and every person to whom such an order is directed shall comply with same.

(5) Where a person violates this section the captain and the owner of the aircraft in respect of which the violations took place are each liable for the penalties imposed by the Act for such contravention.

(6) In this section “animals” means horses, cattle, sheep, other ruminants and swine.

*Poultry Crates*

217. Every owner or operator of a poultry processing plant or poultry killing plant shall in the manner and at the time prescribed in this Part clean and disinfect all live-poultry crates received at such plant.



**Animal Contagious Diseases Act—continued**

218. (1) After each use as a live-poultry crate and before leaving the plant all crates shall be thoroughly cleaned and shall be dipped for at least two minutes in an aqueous solution of two per cent formalin.

(2) No owner or operator of a poultry processing plant or poultry killing plant shall remove or permit to be removed from such plant any live-poultry crate unless that crate has been cleaned and disinfected as provided in this section.

219. For the purposes of this Part the expression "live-poultry crate" means any crate, box, receptacle or container used for transporting or conveying live poultry.

220. (1) In this section

(a) "enforcement officer" means an inspector under the Animal Contagious Diseases Act or under the Live Stock and Live Stock Products Act; and

(b) "owner" means the owner of a live-poultry crate, the person who last used it for the purpose of buying, selling, or conveying live poultry or their agents.

(2) Every person who uses live-poultry crates for the purpose of buying or selling live poultry or for the purpose of conveying live poultry for hire shall after each such use and before the crate is again used for such purposes, clean and disinfect the crate as prescribed in this section.

(3) The crate shall be thoroughly cleaned and shall be dipped for at least two minutes in an aqueous solution of two per cent formalin, or disinfected in such other manner as the Veterinary Director General may prescribe.

(4) No person shall use for the purpose of buying or selling live poultry or for the purpose of conveying live poultry for hire, any poultry crate that has previously been used for the purpose of buying, selling or conveying live poultry, unless it is first cleaned and disinfected as prescribed in this section.

(5) An enforcement officer may place under detention any poultry crate in respect of which he reasonably believes the provisions of this section have not been complied with.

(6) The enforcement officer shall attach to the crate or on one of the crates of a particular lot a tag bearing the words "Under detention—Department of Agriculture" and bearing a brief description of the lot, the date of detention, the signature of the inspector and an indication of the place to which the crates may be taken for cleaning and disinfection.

(7) When an enforcement officer places any live-poultry crates under detention pursuant to this section he shall deliver, personally or by registered mail, to the owner of the crates a notice of detention in such form as the Veterinary Director General may prescribe and shall also deliver, personally or by mail, a copy of the notice to the proprietor or occupant of the premises on which the crates are situated at the time of detention.

**Animal Contagious Diseases Act—continued**

(8) The following provisions apply in respect of a live-poultry crate on which a detention tag has been placed pursuant to this section and in respect of every crate in the same lot:

- (a) the crates shall be taken by the owner to the place indicated on the detention tag and the owner shall there clean and disinfect the crates as prescribed in subsection (3);
- (b) no person other than an enforcement officer shall remove a detention tag from a live-poultry crate;
- (c) no person shall place any live poultry in or about the crates until they have been cleaned and disinfected as provided in this section; and
- (d) unless authorized by an enforcement officer no crate shall be removed from the lot except for the purpose of cleaning and disinfecting it as provided in this section or for the purpose of conveying it to the place designated on the detention tag.

(9) When the enforcement officer is satisfied that the provisions of this section with respect to any poultry crate have been complied with, he may issue to the owner or person in possession of the poultry crates a notice of release in such form as the Veterinary Director General may prescribe and the enforcement officer may then remove the detention tag from the crate.

221. (1) No person shall bring into Canada any poultry crate, truck or other vehicle that has been used for the purpose of conveying animals, unless the poultry crate, truck or other vehicle was thoroughly cleaned and disinfected since the last time it was used for such purpose.

(2) Where in the opinion of an inspector any poultry crate, truck or other vehicle arriving in Canada has been used for the purpose of conveying animals but does not show any evidence that it was thoroughly cleaned and disinfected since the last time it was used for such purpose, he may order the cleaning and disinfecting thereof; and no person shall bring into Canada any poultry crate, truck or other vehicle in respect of which an order is made under this subsection until it has been cleaned and disinfected to the satisfaction of an inspector.

(3) This section does not apply to stock cars or aircraft.

**Part XVII****GENERAL***Feeding of Swine*

222. Unless special permission in writing is first obtained from the Veterinary Director General, no person shall feed to swine or poultry or permit swine or poultry to have access to or to be fed on his own premises, or on the premises of any other person, corporation or municipality, any garbage, raw or cooked, composed of any of the following, namely, meat, scraps, offal, kitchen waste, fruit or vegetable refuse, or other matter edible by swine or poultry, and which has been obtained elsewhere than on the premises where fed, or from any hotel, motel, motor court, or restaurant.

**Animal Contagious Diseases Act—continued**

*Removal of Swine from Stockyards*

223. (1) No swine shall be removed from the public stockyards of the cities of Calgary, Edmonton, St. Boniface, Moose Jaw, Toronto, or Montreal, except for immediate slaughter or for export to the United States, unless a permit for their removal has first been obtained from the inspector in charge of the yard.

(2) Applicants for permits shall state the destination of the swine they desire to remove and the purpose for which they are intended.

(3) Whenever an inspector considers it necessary for the control of hog cholera, he may refuse to issue a permit under this section unless the swine for which the permit is requested have first been treated by the administration of hog cholera serum by a veterinary inspector.

*Garbage*

224. (1) No person shall remove garbage from any aircraft entering Canada from any other country unless it is first placed in closed containers.

(2) All garbage removed from aircraft entering Canada from any other country shall be destroyed immediately upon such removal by burning on the airport premises and the containers shall, immediately after being emptied, be burned or subjected to heat at a temperature of not less than one hundred degrees Centigrade, for not less than fifteen minutes.

(3) Where a person violates this section the captain, and the owner are each liable for the penalties imposed for such contravention.

*Prohibitions*

225. No person shall deface, conceal or take out wholly or in part, any permanent mark that under the direction of the Veterinary Director General or pursuant to these regulations has been applied to an animal.

226. Except under the authority of the Veterinary Director General no person shall remove any identification ear tags or other marks of identification affixed to an animal pursuant to these regulations.

227. No person shall affix to an animal an identification tag or other means of identification that was pursuant to these regulations affixed to another animal.

228. No person except an inspector acting under the special authority of the Veterinary Director General, shall import, manufacture, sell or use hog cholera serum or virus.

229. No person shall represent that any certificate, licence or permit issued pursuant to these regulations relates to an animal other than the animal in respect of which it was issued.

230. No person shall represent that a blood sample taken from one animal was taken from another animal.

231. No person shall make any false statement or false representation in any application for a certificate, licence or permit or for a test pursuant to these regulations.



**Animal Contagious Diseases Act—concluded**

232. (1) No person shall make, use, display or have in possession any certificate, licence, permit or other document so closely resembling a certificate, licence, permit or other document issued or prescribed pursuant to these regulations that it is likely to be mistaken therefor.

(2) No person shall without the authority of an inspector alter any certificate, licence, permit or other document issued pursuant to these regulations.

*Costs and Expenses*

233. Whenever by or pursuant to these regulations anything may be done at the cost or expense of any person or any costs, charges or expenses are imposed on any person, such costs, charges or expenses may be recovered as a debt due to the Crown.

*Evidence*

234. In any proceedings under the Act or these regulations *prima facie* evidence of any certificate, licence, permit, order, direction, requirement, document, tag or other thing issued, made, given or prescribed pursuant to these regulations may be given by the production of a copy thereof purporting to have been issued, made, given or prescribed pursuant to these regulations.

**APPROPRIATION ACT, No. 5, 1947. (1947, c. 25)****Potato Warehouse Construction Assistance Regulations**

P.C. 2017

## AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of April, 1950.

## PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to order as follows:

1. Order in Council P.C. 4638 of 3rd December 1947, approving regulations to govern the grant of financial assistance in respect of the construction of potato warehouses, is hereby revoked; and

2. The annexed "Regulations to Govern the Granting of Financial Assistance in respect of the Construction of Potato Warehouses", are hereby approved in substitution for the regulations hereby revoked.

**REGULATIONS TO GOVERN THE GRANTING OF FINANCIAL ASSISTANCE IN RESPECT OF CONSTRUCTION OF POTATO WAREHOUSES**

1. These regulations may be cited as the *Potato Warehouse Construction Assistance Regulations*.

2. In these regulations

(a) "Committee" means a Potato Warehousing Committee established pursuant to these regulations;

**Appropriation Acts—continued**

- (b) "Minister" means the Minister of Agriculture of the Government of Canada;
- (c) "total cost of construction" means the total cost of construction of a potato warehouse by a co-operative association including the cost of purchasing the site, drainage, excavation and levelling of the site, architects' fees, installation of permanent heating and elevation fixtures and electric wiring to and within the warehouse, and the initial cost of necessary extension of railway spur or siding, but not including any cost of machinery, equipment or furnishings.

3. Subject to these regulations the Minister may grant financial assistance in respect of the construction of potato warehouses in any province.

4. (1) An advisory committee to be known as the Potato Warehousing Committee for the province may be established for any province; it shall consist of four members, two of whom shall be appointed by the Minister and two by the Minister of Agriculture for the province.

(2) The members of a Committee shall be residents of the province for which the Committee is established and no member of a Committee shall be engaged, directly or indirectly, in the business of growing or dealing in potatoes.

5. The potato warehouse shall be constructed by a co-operative association approved by the Committee for the province and it shall be constructed in accordance with plans and specifications approved by that Committee; such plans and specifications may provide for the storage of other products but no assistance shall be granted under these regulations for the construction of a warehouse that is not primarily intended for the storage of potatoes.

6. The co-operative association shall assume and pay not less than one-quarter of the total cost of construction of the potato warehouse and the province shall, in the first instance, pay the remainder of the total cost of construction.

7. The assistance to be granted under these regulations shall be paid to the province and the amount thereof shall be one-half of the amount paid by the province pursuant to section six, but shall not in any case exceed thirty-seven and one-half per cent of the total cost of construction.

8. The co-operative association shall enter into an agreement with the province whereby

- (a) the association agrees to levy a first charge on all potatoes and other produce handled through the warehouse in accordance with the following schedule of rates:
  - (i) not less than one cent per bushel on all potatoes and turnips,
  - (ii) not less than one cent per bag or bundle on other packaged commodities,
  - (iii) not less than one-half cent per cubic foot on bulk commodities;
- (b) the association agrees to pay such levy to the province;
- (c) the association agrees that the cost of operation and maintenance of the warehouse shall be met through an additional charge on all potatoes or other produce handled at the warehouse; and

**Appropriation Acts—continued**

- (d) the province and the association agree to distribute the levy made pursuant to paragraph (a) of this section in accordance with these regulations.
9. The moneys derived from the levy referred to in paragraph (a) of section eight shall be applied as follows:
- (a) first, all fire insurance premiums shall be paid;
  - (b) secondly, in each year, or at such other intervals as the province and the Minister may agree, after payment of the fire insurance premiums, one-half of the moneys shall be paid to the Receiver General of Canada and the remainder shall be retained by the Provincial Treasurer;
  - (c) after the Receiver General of Canada and the Provincial Treasurer have each received an amount equal to one-half of the amount paid to the province pursuant to section seven, any balance shall be paid to the co-operative association and the agreement between the province and the co-operative association shall then be terminated.
10. No assistance shall be granted by the Minister under these regulations until the province submits evidence of the agreement referred to in section eight and submits vouchers and receipts satisfactory to the Minister for all expenditures made in respect of the cost of construction.
11. These regulations apply to all applications for assistance made after these regulations come into force.
12. The Regulations respecting the Construction of Potato Warehouses, established by Order in Council P.C. 4638 of December 3, 1947, are hereby revoked, but they shall continue to apply in respect of applications for assistance made prior to the coming into force of these regulations.

**APPROPRIATION ACT, No. 4, 1948. (1948, c. 78)****Regulations for Providing Assistance in the Construction of Bait Freezing and Storage Facilities**

P.C. 3451

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 3rd day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports:

THAT by Order in Council P.C. 250 of 11th February, 1930, as amended, certain regulations entitled "Regulations for the Encouragement of the construction and operation of Fishermen's Bait Freezing and Storage Plants" were established;

THAT the said Regulations have proved unduly restrictive of the purpose for which they were intended, and that it is desirable and expedient that assistance be granted to provide for the establishment of bait freezing and storage facilities in any type of plant equipped with mechanical refrigeration, whether existing or to be constructed.



**Appropriation Acts—continued**

NOW, THEREFORE, His Excellency the Governor General in Council on the recommendation of the Minister of Fisheries and under and by virtue of the Appropriation Act, No. 4, 1947-48, Vote No. 112, is pleased to order as follows:

1. The regulations entitled "Regulations for the Encouragement of the construction and operation of Fishermen's Bait Freezing and Storage Plants", established by Order in Council P.C. 250 of 11th February, 1930, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations for Providing Assistance in the Construction of Bait Freezing and Storage Facilities" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS FOR PROVIDING ASSISTANCE IN THE CONSTRUCTION OF BAIT FREEZING AND STORAGE FACILITIES**

1. In these regulations the expression:

- (a) "applicant" includes person, incorporated fishermen's association, partnership, and body corporate or politic;
- (b) "Minister" means the Minister of Fisheries.

2. The Minister may grant assistance to an applicant to provide, maintain and operate bait freezing and storage facilities for fishermen to a maximum of 75 per centum of the cost of the bait storage space provided but not so as to exceed the sum of \$10,000.00; provided that in the opinion of the Minister,

- (a) fishery conditions in the area proposed to be serviced require such facilities to be provided as a matter of convenience and necessity;
- (b) the facilities will be adequate and satisfactory and will be adequately refrigerated by mechanical means;
- (c) the applicant is financially responsible.

3. The Minister shall enter into an agreement with the applicant which shall provide:

- (a) that the agreement shall be for a period of ten years;
- (b) that the applicant will freeze and store bait to meet the requirements of the fishermen of the area serviced in such quantities as they require and will supply the same when reasonably required at a price not more than that prevailing in comparable areas or as may be fixed from time to time by the Minister;
- (c) that the applicant shall furnish, not later than the fifth day of each month, a statement to the Minister showing—
  - (i) the quantities and kinds of bait frozen and stored during the preceding month and the prices paid by the applicant therefor,
  - (ii) the quantities and kinds of bait sold during the previous month and the prices received by the applicant therefor,
  - (iii) the quantities and kinds of bait in storage at the end of the previous month,
  - (iv) such further and other information as the Minister may at any time require;

**Appropriation Acts—continued**

- (d) that the facilities and any premises or equipment necessary thereto shall be provided, maintained and operated in a condition and manner adequate and satisfactory to the Minister;
- (e) that the Minister may inspect or cause to be inspected by such person or persons as he may from time to time designate the facilities provided, including any premises or equipment necessary thereto, and the maintenance and operation of such facilities, premises or equipment;
- (f) that the applicant shall not sell such facilities or assign the Agreement without the written permission of the Minister;
- (g) such other terms and conditions as the Minister may deem necessary for carrying out the purposes for which the assistance is granted.

4. The Minister shall not enter into an Agreement hereunder unless and until the applicant deposits with him a bond, of a surety company acceptable to the Minister of Finance and of a form approved by the Minister of Justice, in a penal sum equal to the amount of the assistance to be granted conditioned upon the due observance and faithful performance of the terms and conditions of the agreement to be observed and performed by the applicant; at the expiration of one year from the execution of such an agreement, the said bond not having been forfeited, the Minister, in his discretion, may accept in substitution therefor a bond of similar kind and condition in a penal sum lesser by 10 per centum of the amount of such assistance; and so and similarly in or for each subsequent year thereafter.

5. The cost of providing the bait storage space in respect of which assistance is granted hereunder, or the proportion of costs that may be allocated thereto, shall be appraised and determined by an architect of the Department of Public Works.

6. When an applicant has deposited a bond as herein provided, the Minister may grant assistance thereafter to the applicant in such amount and at such time or times and otherwise in such manner as he deems advisable to an amount equal to the total assistance to be granted.

7. The Minister may prescribe and authorize the use of such forms and require such information as may be necessary for the purpose of these regulations.

**APPROPRIATION ACT, No. 7, 1949. (1949, c. 42)****Regulations re school fees and transportation costs for children of certain Government employees**

P.C. 1954-1694

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to The Appropriation Act, No. 7, 1949, Vote No 938, is pleased to order as follows:

**Appropriation Acts—continued**

1. The Regulations governing the payment of school fees and transportation costs of children of certain employees of the Government of Canada, established by Order in Council PC 3455 of 19th July, 1950, are hereby revoked; and

2. The annexed "Regulations governing payment of school fees and transportation costs *re* children of certain employees of the Government of Canada" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS GOVERNING PAYMENT OF SCHOOL FEES AND TRANSPORTATION COSTS *RE* CHILDREN OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF CANADA**

1. In these regulations,

- (a) "child" does not include a person who has attained the age of eighteen years at the commencement of the school year;
- (b) "federal land" means land owned by Her Majesty in right of Canada;
- (c) "Minister", when used with reference to an employee, child of an employee, or land, means the Minister having the direction, control and management of the employee or land;
- (d) "non-taxable employee" means an employee of Her Majesty in right of Canada who, by reason of the conditions of his occupancy of federal land, is not subject to municipal taxation in respect of that land, and who applies to the Minister for financial assistance towards the cost of educating his children; and
- (e) "school authority" means, with reference to a school, the corporation, board or other body that, with due authority, levies taxes to meet the expenses of operating and maintaining the school.

2. Where a non-taxable employee resides on federal land that, in the opinion of the Minister, is within easy access of a school established by the Minister of National Defence, the Minister shall, unless the facilities are insufficient, arrange with the Minister of National Defence for the accommodation at that school of the children of the employee, while he is so resident, in accordance with the provisions of Order in Council P.C. 44/2300 of 6th May, 1950.

3. (1) Where a child of a non-taxable employee is not accommodated at a school mentioned in section 2, the Minister may arrange for the child to be accommodated at a school in the municipality in which the employee resides, or if, in the opinion of the Minister, the school facilities in that municipality are inadequate, at a school in a municipality having adequate facilities for the purpose, but a report shall be submitted to the Treasury Board whenever attendance at a school outside the municipality in which the employee resides is authorized stating the reasons for the arrangement and the additional costs resulting, if any.

(2) Where a child is accommodated at a school pursuant to an arrangement under subsection (1), the Minister may pay to the school authority, in each school year during which the child attends the school under the arrangement, an amount not exceeding the school fees ordinarily charged for the accommodation of a non-resident at the school.



**Appropriation Acts—continued**

(3) The amount payable under subsection (2) may be paid to a non-taxable employee to the extent that he has paid school fees to the school authority in respect of the child, and the amount payable to the school authority shall be reduced by the amount so paid.

4. (1) Where a child of a non-taxable employee, pursuant to an arrangement under section 3, attends a school that is not less than five miles and not more than thirty miles from the place of residence, and to attend the school uses a public transportation service approved for the purpose by the Minister, other than the service mentioned in subsection (2) or an urban public transportation service, the Minister may pay to the employee the amount by which the cost to the employee of the service that is rendered to the child exceeds three dollars a month.

(2) Where the Minister of National Defence provides a transportation service that can be made available to a child for the purpose of attending a school pursuant to an arrangement under section 3, the Minister may arrange for the child to use that service on such terms and conditions as the Minister of National Defence may prescribe.

5. Where federal land is made available for residential use, the Minister shall, except where in his opinion it is not feasible, lease the land on terms that will not deprive the municipality in which the land is situated, of its right to tax the tenant in respect of his occupancy of the land.

6. No payment shall be made under these regulations in respect of a person who resides on federal land

(a) that is included in property in a municipality that receives a grant under section 5 of the *Municipal Grants Act* (for the purpose of computing the grant); or

(b) that is situated in a municipality in which he is subject to municipal taxation in respect of his occupancy of that land.

7. Any payment or arrangement made under these regulations shall be reported to the Municipal Grants Division of the Department of Finance.

**APPROPRIATION ACT, No. 4, 1951. (1951, c. 65)****Dragger and Long-liner Assistance Regulations**

P.C. 2490

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of May, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, is pleased to order as follows:

1. The Regulations *re* Assistance in Construction of Vessels of the Dragger or Long-liner Type, established by Order in Council P.C. 1919 of 22nd May, 1947, are hereby revoked; and

**Appropriation Acts—continued**

2. The annexed Regulations respecting Assistance in Construction of Vessels of the Dragger or Long-liner Type are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING ASSISTANCE IN CONSTRUCTION OF VESSELS OF THE  
DRAGGER OR LONG-LINER TYPE ON THE ATLANTIC COAST

1. These regulations may be cited as the *Dragger and Long-liner Assistance Regulations*.

2. In these regulations,

- (a) "group of four or more fishermen" includes co-operatives and incorporated companies: Provided that in the case of a company not less than fifty-one per centum of the stock of such company is purchased and held by not less than four fishermen who are members of the crew of the vessel;
- (b) "Minister" means the Minister of Fisheries of Canada;
- (c) "provincial government department or agency" means a department or agency created by statute of the legislature of any of the provinces on the Atlantic Coast, and being under the control and direction of the Government of such province and authorized to provide assistance to fishermen by means of loans or otherwise.

3. The Minister may make payments to a provincial government department or agency not exceeding \$165.00 per ton, gross tonnage, for the construction of fishing vessels of the dragger or long-liner type:

- (a) owned by one or more fishermen and measuring not less than forty-five feet and not more than sixty feet overall length of main hull; or
- (b) owned by any group of four or more fishermen and measuring not less than sixty feet to a maximum overall length of main hull to be determined by the Minister.

4. The length of every such vessel shall be measured from the forward part of the stem to the after side of the rim timbers, and every such vessel shall be otherwise of approved proportions and suitable form and equipped with sufficient power for the service in which it will be engaged.

5. Plans of every such vessel shall be approved by the Board of Steamship Inspection of the Department of Transport and certified by it to be of the dragger or long-liner fishing vessel type.

6. Before making the payments herein provided for, the Minister shall enter into an agreement with a provincial government department or agency, which agreement shall provide:

- (a) that, unless otherwise authorized by the Minister, vessels in respect of which the payment has been made shall be kept actively engaged in fishing operations using an "otter" or other trawl of a similar nature, and in the case of long-liners, a power gurdy, in each fishing season for a period of five years from the date of issue of an inspection certificate by a Steamship Inspector of the Board of Steamship Inspection;

**Appropriation Acts—continued**

- (b) that during the said period of five years such vessels shall not be sold, and shall not be chartered to engage in any operations other than the said fishing operations, without the consent in writing of the Minister;
- (c) that the provincial government department or agency shall assume responsibility, by insurance or otherwise, for the protection of such vessels against loss or damage to the extent of the amount paid by the Minister to the department or agency;
- (d) for re-imbursement to the Government of Canada of the amount of the payment, or any portion thereof, made in respect of any vessel, in the event of non-observance of any of the conditions of the said agreement;
- (e) such other conditions as the Minister may deem necessary for carrying out the purposes for which the assistance is granted.

**APPROPRIATION ACT, No. 4, 1952. (1952, c. 55)**

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**1. Exhibition Grants Regulations**

P.C. 4602

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of December, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to Vote No. 28 of The Appropriation Act, No. 4, 1952, is pleased to make the annexed Regulations respecting Financial Assistance to Agricultural Exhibitions and Fairs, and they are hereby made and established, accordingly.

REGULATIONS RESPECTING FINANCIAL ASSISTANCE TO AGRICULTURAL  
EXHIBITIONS AND FAIRS

*Short Title*

1. These regulations may be cited as the *Exhibition Grants Regulations*.

*Interpretation*

2. In these regulations,

- (a) "Director" means the Director of Production Service, Department of Agriculture;



**Appropriation Acts—continued**

- (b) "exhibition" means an exhibition or fair classified under these regulations;
- (c) "list" means a list of fairs kept under these regulations;
- (d) "Minister" means the Minister of Agriculture for Canada;
- (e) "provincial agricultural authorities" means the officers of the department of the Government of a province who, in the opinion of the Director, are competent to approve, on behalf of that province, any matter requiring provincial approval under these regulations; and
- (f) "specified exhibits" means classes of utility livestock (other than livestock supported by junior grant and not shown in open classes; dogs; cats; rabbits; covies; poultry such as pigeons, bantams, and other fancy breeds of birds whose utilitarian value is secondary); seeds; vegetables; fruits; dairy products; and honey.

3. The Minister may determine any question arising under these regulations respecting the eligibility of an exhibition to receive a grant.

*Classification*

4. Lists of exhibitions shall be kept by the Director under the following classifications,

- (a) winter or spring fairs,
- (b) class A exhibitions,
- (c) class B exhibitions, and
- (d) special exhibitions.

5. The Director may, subject to these regulations, add to the appropriate list at any time after the commencement of these regulations.

6. (1) Exhibitions not listed as winter or spring fairs when these regulations come into force may be added to the list where

- (a) the province in which the exhibition is to be located has made application for its listing, and
- (b) the Director is satisfied from investigations conducted by provincial or federal officers, or both, that there is a need for a winter or spring fair in that area, and that its operation is likely to be successful.

(2) Applications for listing under this section shall be made in the first instance to the appropriate provincial agricultural authorities.

7. Exhibitions not listed as class A exhibitions when these regulations came into force, which were then or were subsequently listed as class B exhibitions, and exhibitions that have not at any time been classed, may be added to the class A or B list as the case may be, if,

- (a) an application is sent to the Director for that purpose;
- (b) the appropriate provincial agricultural authorities approve of its being so listed; and
- (c) the application is accompanied by certified statements showing that in each of the three consecutive years immediately preceding the year in which the application is made, prize money in respect

**Appropriation Acts—continued**

to specified exhibits has been distributed by the exhibition in an amount totalling not less than \$6,000 in the case of an application for a class A listing, and not less than \$3,000 in the case of an application for class B listing.

*General Qualifications for Grants*

8. (1) No exhibition shall receive a grant under these regulations unless it is named on an appropriate list.

(2) Applications for grants under section 10, or under subsection (6) of section 11, must be approved before construction commences.

*Permanent Improvements and Prize List Grants*

9. (1) A grant, not to exceed four thousand dollars, at the rate of eighty per cent of the prize money actually paid out, may be made annually to a winter or spring fair in respect of specified exhibits.

(2) No grant shall be made under this section unless a winter or spring fair applying therefor has submitted satisfactory reports, in duplicate, to the Director showing the prize moneys paid in respect of specified exhibits in the year for which the grant is claimed.

10. A winter or spring fair which has not previously received a grant in excess of the amount provided under section 9 may, if it is undertaking capital expenditures as defined in subsection (1) of section 11, enter into an agreement under these regulations providing for the payment of a grant of one-half of the total cost of the undertaking but not, in any case, to exceed \$20,000, payment to be at a rate to be determined by the progress of the work.

*Class A and B Exhibitions*

11. (1) A class A exhibition or a class B exhibition may apply for a grant in respect of the cost of permanent improvements or repairs as follows:

- (a) the building or installation of facilities for the display of agricultural products, or the accommodation of club members or livestock attendants;
- (b) repairs or alterations to buildings for agricultural products, or moving such buildings to other locations on the fair grounds;
- (c) improvement of agricultural grounds exclusive of purchase of land.

(2) Applications under subsection (1) shall be made in triplicate, and accompanied by certified statements showing the actual cost of permanent improvements and repairs incurred in the year against which the grant is to be applied.

(3) The Director may cause such inspection and approval of permanent improvements and repairs as he sees fit to be made before a grant is made under this section.

(4) An annual grant under this section shall not exceed one-half of the actual cost of permanent improvements or repairs for the year in respect of which it is to be applied, and shall not in any one year exceed,

- (a) three thousand dollars to a class A exhibition, and
- (b) one thousand eight hundred dollars to a class B exhibition.

**Appropriation Acts—continued**

(5) Exhibitions which have been receiving annual grants at a rate other than provided for under subsection (4) may continue to receive the said annual grants.

(6) A class A exhibition or a class B exhibition which has not previously received a grant in excess of the amount provided for under subsection (4) may, in cases where it is undertaking major capital expenditures, enter into an agreement under these regulations providing for the payment of a grant amounting to one-half the total cost of the undertaking but not, in any case, to exceed \$20,000 payable at a rate determined by the progress of the work; the annual grant normally available to a fair under subsection (4) shall not apply during the life of the agreement or for a period of two years whichever is the greater.

12. A provincial department of agriculture that does not see fit to accept the terms as set out in subsection (4) of section 11 may submit an alternate plan, and at the discretion of the Minister may establish special exhibitions which may be eligible to receive grants, the total of which in any one province shall not exceed the sum available for that province under subsection (4) of section 11.

*Grants for Judges*

13. Where certified statements, in duplicate, are sent by a winter or spring fair, a class A exhibition or a class B exhibition, to the Director showing the actual costs incurred by it in providing suitable judges, an annual grant may be paid to such fairs or exhibitions not exceeding such costs in the year in respect of which the grant is to be applied and not exceeding in any one year,

- (a) five hundred dollars to a winter or spring fair, or class A exhibition, or
- (b) two hundred dollars to a class B exhibition.

*Grants for Junior Activities*

14. (1) Where certified statements, in duplicate, are sent by a winter or spring fair, a class A exhibition, a class B exhibition or a special exhibition, to the Director showing the actual costs incurred in respect of any or all of the following junior activities:

- (a) transportation of club exhibits, and cost of feed,
- (b) accommodation and meals of contestants,
- (c) maintenance of boys and girls camps on the exhibition grounds exclusive of capital expenditure for construction of buildings or purchase of tents, bedding or other similar equipment,
- (d) appointment of supervisors or other persons to supervise junior activities during the exhibition period,
- (e) prize money, trophies or ribbons for exhibits shown by members of junior clubs,

an annual grant may be paid to the exhibition not exceeding such costs in the year in respect of which the grant is to be applied and, subject to subsection (2), not exceeding in any one year five hundred dollars.

(2) A grant under subsection (1) may be increased to a maximum of one thousand dollars where the costs of an exhibition respecting junior activities include costs for major regional interclub competitions.



**Appropriation Acts—continued**

- (3) Grants under this section may only be made,
- (a) in respect of junior activities that form part of the educational and exhibition program prepared for members of boys and girls clubs, whether or not non-members participate in the educational part of such program, and
- (b) where the exhibition,
  - (i) has established a committee to develop and approve the junior program at the exhibition, including at least one member appointed by the Department of Agriculture and one member appointed by the appropriate provincial agricultural authorities,
  - (ii) agrees that it will not apply any moneys from the grant for junior activities in the nature of club achievement days or elimination contests,
  - (iii) provides that classes of exhibits to be shown by club members are interclub in character and are allowed only where a minimum of three clubs exhibit in the particular class, and
  - (iv) confines money awards to moderate amounts in respect of prizes for exhibits, displays, showmanship and judging contests, in both open and club divisions.

**2. Rural Municipal Grants Regulations**

P.C. 1954-1621

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to The Appropriation Act, No. 4, 1952, is pleased to order as follows:

1. The Rural Municipal Grants Regulations, established by Order in Council P.C. 3729 of 6th August, 1952, are hereby revoked; and

2. The annexed "Regulations relating to Rural Municipal Grants" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RELATING TO RURAL MUNICIPAL GRANTS***Short Title*

1. These regulations may be cited as the *Rural Municipal Grants Regulations*.

*Interpretation*

2. In these regulations,

- (a) "eligible municipality" means a municipality that
  - (i) is not a city, town or village,

**Appropriation Acts—continued**

- (ii) contains federal property on which lives a population that is not liable to pay real property tax to the municipality and which throughout the relevant tax year, in the opinion of the Minister, has comprised, on the average, in excess of four per cent of the population of the municipality,
- (iii) provides services to federal property that, in the opinion of the Minister, are material services, and
- (iv) is not eligible for a grant under Section 5 of the *Municipal Grants Act*;
- (b) "federal property" means real property owned by Her Majesty in right of Canada, but does not include
  - (i) real property forming part of an undertaking in respect of the conservation, irrigation, reclamation, rehabilitation or reforestation of land,
  - (ii) real property under the control, management or administration of the National Railways as defined in the *Canadian National-Canadian Pacific Act*, or a corporation, company, commission, board or agency established to perform a function or duty on behalf of the Government of Canada, or
  - (iii) real property leased by Her Majesty to a tenant from whom, by reason of such tenant's interest in that real property, a municipal taxing authority may collect real estate tax;
- (c) "Minister" means the Minister of Finance;
- (d) "real estate tax" means a tax, other than a water tax, levied by a municipal taxing authority on all owners of real property in that municipality except those exempt by law and computed by applying one or more mill rates to all or a part of the assessed value of such real property;
- (e) "sharing municipality" means a rural municipality that, in the opinion of the Minister, provides material services to federal property in an eligible municipality;
- (f) "tax equivalent" means, in respect of a municipality, the amount of real estate tax that, in the opinion of the Minister, would lawfully be levied by the municipality upon the owner of federal property if the federal property were taxable land, on the assumption that instead of the actual improvements and uses to which the land is subject, it is subject to such improvements and uses as would be the case if it were used for purposes comparable to the purposes for which similar land is ordinarily used in the vicinity, but where the federal property, in the opinion of the Minister, is in a part of a municipality that is a suburban area, "tax equivalent" means the amount of real estate tax that, in the opinion of the Minister, would lawfully be levied by the municipality upon the owner of that federal property if that federal property were taxable land not taking into account assumed improvements; and
- (g) "taxable land" means real property in respect of which a person may be required by a municipal taxing authority to pay a real estate tax.

*Grants*

3. (1) Subject to these regulations, the Minister may, pursuant to application by an eligible municipality in a form prescribed by the Minister, make a grant to that municipality not exceeding the tax equivalent applicable to that municipality.

**Appropriation Acts—continued**

(2) A grant that might otherwise be made to an eligible municipality may be paid to the eligible municipality and a sharing municipality in such proportions as the Minister determines.

(3) A grant under this section shall be deemed to compensate the recipient municipality for all municipal services financed by the real property tax and provided for the federal property, except

- (a) the schooling of children of non-taxable persons living on the federal property, and
- (b) the repair and maintenance of the main access road into the federal property.

4. No right to a grant is conferred by these regulations.

**3. War Claims Regulations**

P.C. 1954-1809

**AT THE GOVERNMENT HOUSE AT OTTAWA**

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to The Appropriation Act, No. 4, 1952, Vote No. 696, is pleased to order as follows:

1. The War Claims Regulations, established by Order in Council P.C. 4267 of 9th October, 1952, as amended, are hereby revoked; and

2. The annexed "War Claims Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**WAR CLAIMS REGULATIONS**

1. These regulations may be cited as the *War Claims Regulations*.

2. In these regulations,

- (a) "war claims" means a claim for compensation arising out of World War II;
- (b) "War Claims Commissioner" means the Chief War Claims Commissioner appointed for the purpose of inquiring into, reporting upon and making recommendations with respect to the payment of war claims in particular cases;
- (c) "War Claims Fund" means the War Claims Fund established by Vote 696 of The Appropriation Act, No. 4, 1952; and
- (d) "war claims rules" and "rules" means the rules established by section 3.

3. The recommendations contained in the Report of the Advisory Commission on War Claims dated February 25, 1952, modified to the extent specified in the Schedule hereto, shall constitute the rules governing payment out of the War Claims Fund of compensation in respect of war claims.



**Appropriation Acts—continued**

4. (1) Payment may be made out of the War Claims Fund, with the approval of the Treasury Board, to a person, or to another on his behalf, in respect of a war claim, of an amount that, in the opinion of the War Claims Commissioner, that person is eligible to receive under the war claims rules.

(2) Notwithstanding subsection (1), payment may be made out of the War Claims Fund of compensation for maltreatment at the per diem rates specified in the rules to a person, or to another on his behalf, where, in the opinion of the Treasury Board, that person is eligible to receive such compensation under the rules.

(3) In approving payments under this section, the Treasury Board shall determine the times at which such payments shall be made to give effect to the order of priorities established by the war claims rules.

5. No right to payment is conferred by these regulations.

6. These regulations shall be administered by the Secretary of State.

SCHEDULE

1. *Claims by Canadians*

- (a) Where a claim is made for maltreatment and the person who suffered the maltreatment was at the time when the maltreatment occurred a member of the armed forces of Canada, the claimant shall be deemed to have been a Canadian both at the time of the maltreatment and at the time of presentation of the claim.
- (b) For the purpose of determining whether a corporation is a Canadian at any relevant time, of the three tests recommended by the Advisory Commission on War Claims, those as to residence and trading only are retained and the test relating to ownership of outstanding securities is deleted.
- (c) A corporation regarded as having had residence both in Canada and outside of Canada at any relevant time may be treated as at that time having had Canadian residence only if it then was incorporated in Canada.

2. *Maltreatment*

- (a) In respect of the European Theatre:

Where a person has been in the direct custody of members of an organization declared a criminal organization by the International Military Tribunal, Nuremberg, (such organization being the SS, SD, Gestapo and Leadership Corps), and is ineligible for an award under the Sumner Commission test, he may, if held in such custody for a period of fourteen days or more, be awarded one dollar per diem for each day of such custody, but should such custody have been for less than fourteen days any award on a per diem basis shall be within the discretion of the War Claims Commission. The receipt of or the eligibility for a pension under the Pension Act for disability consequent upon maltreatment shall not be taken into account in determining eligibility for or the amount of a per diem award or a lump sum award for maltreatment.

- (b) In respect of the Far Eastern Theatre:

Maltreatment awards at the rate of one dollar per diem to or in respect of former prisoners of war of the Japanese eligible therefor

**Appropriation Acts—continued**

under the Report of the Advisory Commission on War Claims may be paid in a lump sum as in the case of such awards to or in respect of civilians, and such payments shall include any benefit for which the recipients may be eligible pursuant to Article 16 of the Treaty of Peace with Japan.

(c) Surviving awards—civilian claims:

Where there is a valid death claim in addition to a claim for maltreatment the accrual of the benefits of the maltreatment award to the widow, dependent husband, child, children, dependent parent or parents of the deceased as the case may be, shall not be taken into account in determining the pecuniary loss which he, she, or they, have suffered from the death.

(d) Surviving awards—dependents of service personnel:

Where maltreatment caused death but there is no valid death claim because the deceased was a prisoner of war and pension is payable on account of his death, the maltreatment award payable to the widow, dependent husband, child, children or other dependent shall be paid to such dependent notwithstanding the fact that such dependent is in receipt of a pension in respect of the death, and without any deduction on account of such pension.

**3. Claims for Property Losses**

- (a) In any case in which final compensation for such loss has been provided for by or under an Act of the Parliament of Canada or by the Governor in Council, no claim on the War Claims Fund in respect of such loss shall be admitted.
- (b) In the recommendation relating to the payment of certain expenses of claimants, the words "in former enemy or enemy-occupied territory" are substituted for the word "abroad".

**4. Priorities**

The following shall be the effective orders of priority:

- 1.-2. Claims for compensation for death, personal injury and maltreatment, in full, or if the Fund is not sufficient to pay them in full, the *pro rata*.
- 3. (a) Claims for compensation for property losses up to \$2,500 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.  
(b) All remaining claims for compensation for property losses up to an additional \$2,500 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.
- 4. All remaining claims for compensation for property losses up to an additional \$10,000 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.
- 5. All remaining claims for compensation for property losses up to an additional \$15,000 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.

**Appropriation Acts—continued**

6. (a) All remaining claims for compensation for property losses up to an additional \$20,000 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.
- (b) All remaining claims for compensation for property losses up to an additional \$50,000 in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.
7. All remaining claims for compensation for property losses in full, or if the balance in the Fund is not sufficient to pay them in full, then *pro rata*.

**5. Interest**

Simple interest at three per centum per annum may be paid on the following classes of awards:

- (a) For property losses on the high seas from the date of the loss;
- (b) For personal injury or death on the high seas from the date of the loss;
- (c) For disbursements for medical and similar expenses from the date of the disbursement; and
- (d) For all other claims, excluding awards for maltreatment, from January 1, 1946.

**6. Limitation of Time for Filing Claims**

- (a) Notice of a claim must be received by the War Claims Commission not later than November 30, 1954.
- (b) A claim for maltreatment shall be deemed to be presented at the time when it is first made or on the date of coming into force of the War Claims Regulations, whichever is the later.

7. Where the War Claims Commissioner is satisfied that a claimant is entitled to receive a payment of compensation from the Governments of Hungary or Roumania pursuant to the Treaties of Peace with Hungary and with Roumania, and that the amount thereof has not been paid to the claimant, he shall not in applying the rules regard such entitlement as satisfaction otherwise provided for; provided that the claimant has assigned his rights to such entitlement to the Crown in right of Canada.



## APPROPRIATION ACT, No. 4, 1954. (1954, c. 67)

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**1. Regulations re costs of medical and hospital services, Government employees occupying Federal properties**

P.C. 1954-1497

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Appropriation Act, No. 4, 1954, Vote No. 113, is pleased to order as follows:

1. The Regulations regarding costs of medical and hospital services provided to persons occupying Federal properties, established by Order in Council P.C. 3456 of 19th July, 1950, are hereby revoked; and

2. The annexed "Regulations regarding costs of medical and hospital services provided Government employees occupying Federal properties" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS REGARDING COSTS OF MEDICAL AND HOSPITAL SERVICES  
PROVIDED GOVERNMENT EMPLOYEES OCCUPYING FEDERAL PROPERTIES**

1. In these regulations,

- (a) "dependent" means the wife, child or parent of a non-taxable employee or member of the forces residing with and maintained by the non-taxable employee or member of the forces;
- (b) "member of the forces" means a member of the regular forces of the Royal Canadian Navy, the Canadian Army, the Royal Canadian Air Force or the Royal Canadian Mounted Police who, by reason of the condition of his occupancy of land owned by Her Majesty in right of Canada, is not subject to municipal taxation in respect of that land;
- (c) "Minister" means the Minister of Finance; and
- (d) "non-taxable employee" means an employee of Her Majesty in right of Canada who, by reason of the conditions of his occupancy of land owned by Her Majesty in right of Canada, is not subject to municipal taxation in respect of that land.

**Appropriation Acts—continued**

2. Where a municipality becomes liable to bear the cost of medical and hospital services and supplies furnished

(a) to a non-taxable employee or a dependent while he or the person who maintains him as a dependent is not subject to taxation by the municipality, or

(b) to a person who has ceased to occupy lands in the municipality but who was formerly a non-taxable employee or member of the forces occupying lands in the municipality or a dependent of such an employee or member of the forces,

the Minister may pay to the municipality an amount not exceeding that cost.

**2. Lobster Trap Indemnity Regulations**

P.C. 1954-1627

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and pursuant to the Appropriation Act, No. 4, 1954, Vote No. 536, is pleased to order as follows:

1. The Lobster Trap Indemnity Regulations, established by Order in Council P.C. 1954-299 of 4th March, 1954, are hereby revoked, effective October 22, 1954; and

2. The annexed "Lobster Trap Indemnity Regulations" are hereby made and established, effective October 22, 1954, in substitution for the regulations hereby revoked.

**LOBSTER TRAP INDEMNITY REGULATIONS**

1. In these regulations,—

(a) "fisherman" means a person who carries on fishing operations by means of traps, or a member of the immediate family of such person;

(b) "list" means the list of persons eligible for indemnity for loss of or damage to traps under these regulations;

(c) "long season" means one or two periods of time between August 6 of one year and August 5 of the following year, during which it is lawful for traps to be in the water for more than ninety days in Lobster Fishing Districts Nos. 1, 2, 3 or 4 in the provinces of New Brunswick or Nova Scotia;

(d) "Minister" means the Minister of Fisheries;

(e) "short season" means a period during which it is lawful for traps to be in the water for not more than ninety days in lobster fishing

**Appropriation Acts—continued**

districts in the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island or Quebec except those enumerated in paragraph (c) of this section; and

(f) "trap" means a lobster trap fully equipped and ready for fishing.

2. (1) The name of a fisherman may be placed on the list if the Minister is satisfied that,

- (a) the traps are owned by the fisherman and operated by such fisherman in the lobster fisheries of the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island or Quebec,
- (b) the fisherman has made an application on a form prescribed by the Minister to have his name placed upon the list and the application has been approved by the Minister,
- (c) the total number of traps owned by the fisherman is not less than thirty-two,
- (d) an average appraised value per trap for the total number of traps owned by the fisherman has been established at not less than two dollars in areas having long seasons and at not less than one dollar and fifty cents in areas having short seasons,
- (e) in Lobster Fishing District No. 8 and in such other areas as the Minister may consider necessary, the traps have been treated with a suitable preservative, and
- (f) the fisherman has paid the required premium on the total number of traps owned by him, or in areas where the maximum number of traps that may be fished from a lobster boat is prescribed by regulation or by local custom and where the fisherman owns more than such maximum number of traps, he has paid the required premium on such maximum number of traps.

(2) The name of a fisherman may be retained on the list for the long or short season for which the premium has been paid, or, in the case of a fisherman who pays the premium after the beginning of a season, from one minute past twelve o'clock a.m. of the date on which the premium receipt is issued to him by the Minister to the end of the season.

(3) Notwithstanding subsection (2), where the Minister has, after the fisherman's name has been placed on the list declared that the fisherman's name should not under the regulations have been placed on the list, the Minister shall notify the fisherman that his name has been stricken from the list and shall return to the fisherman the entire premium paid by him less any indemnity that has been paid to the fisherman during the period his name was on the list.

(4) Notwithstanding subsection (2), a fisherman who is eligible for indemnity shall cease to be so eligible if the traps be sold, transferred to other ownership or rented to a person other than a member of the immediate family of the fisherman, in which instances and where no indemnity has been paid to such fisherman the Minister may return to the fisherman a proportionate amount of the premium calculated as of twelve o'clock noon of the date of such sale, transfer or renting.

3. Before the name of a fisherman is placed on the list, the fisherman shall pay a premium,



**Appropriation Acts—continued**

- (a) for a short season or for any unexpired portion thereof, at the premium rate herein prescribed for the value category into which the average appraised value per trap as determined by the Minister falls, or at any lower prescribed premium rate at the option of the fisherman,

<i>Value Category (Average Appraised Value per Trap)</i>	<i>Prescribed Premium Rate per Trap</i>
\$1.50 - \$2.00	5 cents
\$2.01 - \$3.00	7 cents
\$3.01 - \$4.00	10 cents
\$4.01 - \$5.00	13 cents
over \$5.00	16 cents

save that where a fisherman, for whose traps an average appraised value has been established, has satisfied the Minister that he is unable to pay the premium at the time of appraisal, the Minister may permit the name of such fisherman to be placed on the list with effect from the opening of the season where the appraisal was made prior to the opening of the season and where the fisherman has paid the premium not later than seven days after the opening of the season, or with effect from one minute past twelve o'clock a.m. of the date of the appraisal where such date was after the opening of the season and where the fisherman has paid the premium not later than seven days after such date;

- (b) for a long season or for any unexpired portion thereof, at the premium rate herein prescribed for the value category into which the average appraised value per trap as determined by the Minister falls, or at any lower prescribed premium rate at the option of the fisherman,

<i>Value Category (Average Appraised Value per Trap)</i>	<i>Prescribed Premium Rate per Trap</i>
\$2.00 - \$3.00	10 cents
\$3.01 - \$4.00	15 cents
\$4.01 - \$5.00	20 cents
\$5.01 - \$6.00	25 cents
\$6.01 - \$7.00	30 cents
over \$7.00	35 cents

4. (1) At the time a fisherman acquires traps in addition to those on which he has paid a premium, he shall pay a premium on such traps at the same rate as that at which he has paid a premium as provided for in section 3.

(2) The fisherman shall become eligible for indemnity in respect of such additional traps at one minute past twelve o'clock a.m. of the date on which the receipt for the premium on the additional traps is issued to him by the Minister.

**Appropriation Acts—continued**

(3) Notwithstanding subsection (2), where the Minister is satisfied that it has been impossible to arrange for the immediate collection of the premium on the additional traps, the fisherman shall become eligible for indemnity in respect of such traps at one minute past twelve o'clock a.m. of the date on which such traps were acquired, provided that the fisherman has notified the Minister of the acquisition of such traps not later than ten days after such acquisition, and further provided that the fisherman pays the premium on such traps not later than thirty days after the end of the season or, at the time his final claim of the season is being checked and adjusted in the field before, at or after the close of the season.

(4) Where a fisherman fails to pay the premium on such additional traps, the payment of indemnity shall be based on the total number of traps on which a premium has been paid and in calculating the extent of loss, the total number of traps remaining in the possession of the fisherman at the time the claim is made, whether or not a premium has been paid on them, shall be subtracted from the total number of traps on which the premium has been paid.

5. (1) Where a fisherman has incurred losses of traps that will constitute a valid claim for indemnity, he shall notify the Minister of his intention to make such claim not later than thirty days after the close of the season for which his premium has been paid, and the fisherman shall submit proof of loss on forms prescribed by the Minister and shall supply such statements, declarations or other information as the Minister may require.

(2) A fisherman may, however, make a claim for indemnity at any time during a season where, as a result of a severe storm, he has lost in a short season more than forty per centum and in a long season more than thirty per centum of the number of traps on which a premium has been paid.

(3) Where, during a season, a fisherman loses a sufficient number of traps to constitute a valid claim for indemnity but does not at that time make such claim and by the subsequent acquisition of additional traps and by the payment thereon of the premium, the amount of his claim is diminished, the fisherman shall, provided that he can substantiate such claim to the satisfaction of the Minister, be entitled to claim within the delay mentioned in subsection (1) and be paid by the Minister the indemnity to which he would have been entitled had no additional traps been acquired.

6. (1) The Minister may pay an indemnity as hereinafter provided for loss of or damage to traps owned by a fisherman if the Minister is satisfied that the loss or damage,

- (a) was incurred within the period during which the fisherman's name was on the list,
- (b) has been established in accordance with section 5, and
- (c) has not been the result of wilful damage, gross negligence or use of the traps for purposes of illegal fishing.

(2) In a short season, the payment of indemnity pursuant to these regulations shall be limited to those traps that cannot be recovered by the fisherman or have been damaged beyond repair in excess of twenty per

**Appropriation Acts—continued**

centum of the total number of traps on which a premium has been paid, but in no case shall indemnity be paid on more than eighty per centum of the total number of traps on which a premium has been paid, and such payment of indemnity shall be at the rate herein prescribed for the premium per trap paid by the fisherman,

<i>Premium per Trap paid by Fisherman</i>	<i>Prescribed Indemnity Payment per Trap</i>
5 cents	90 cents
7 cents	\$1.25
10 cents	\$1.75
13 cents	\$2.25
16 cents	\$2.75

(3) In a long season, the payment of indemnity pursuant to these regulations shall be limited to those traps that cannot be recovered by the fisherman or have been damaged beyond repair in excess of twenty-five per centum of the total number of traps on which a premium has been paid, but in no case shall indemnity be paid on more than seventy-five per centum of the total number of traps on which a premium has been paid, and such payment of indemnity shall be at the rate herein prescribed for the premium per trap paid by the fisherman,

<i>Premium per Trap paid by Fisherman</i>	<i>Prescribed Indemnity Payment per Trap</i>
10 cents	\$1.00
15 cents	\$1.50
20 cents	\$2.00
25 cents	\$2.50
30 cents	\$3.00
35 cents	\$3.50

7. (1) Where any loss of traps is suffered by a fisherman under circumstances where he may legally claim damages against any third person or persons, the fisherman may elect either to exercise his legal rights against the third person or persons, or to claim the indemnity pursuant to these regulations; Provided that if he elects and receives payment of the indemnity pursuant to these regulations, the Minister shall be subrogated to all the rights and remedies of the fisherman to the extent of the amount of indemnity received by the fisherman.

(2) In the event that the fisherman elects to exercise his legal rights against the third person or persons and as a result recovers from him or them an amount less than the indemnity to which he would have been entitled under these regulations, the fisherman may make a claim for and be paid by the Minister the difference between such indemnity and the amount so recovered, and where no amount is recovered by the fisherman, he may make a claim for the total amount of indemnity.

8. Notwithstanding anything contained in these regulations, if a fisherman, because of circumstances beyond his control, is unable to remove his traps from the water by the end of a long or short season, the Minister may extend the period of eligibility for indemnity for such length of time as he deems advisable.



**Appropriation Acts—continued**

9. In all cases, the proportionate amount of a premium to be returned shall bear the same relationship to the total of such premium that the number of days remaining in the season during which it is lawful for the traps in respect of which the premium was paid to be in the water bears to the total number of days that such traps were eligible for indemnity.

10. Where a fisherman has in error paid an amount in excess of the premium required under these regulations, the Minister shall return such amount to the fisherman.

11. Where a fisherman who has become entitled to a payment of indemnity dies before such payment is made, the Minister may, subject to the provisions of section 12, make the payment to the fisherman's estate or, if he has died intestate, to his next of kin.

12. The Minister may, at the request in writing of a fisherman who is eligible for indemnity, approve in writing the assignment of any payment of indemnity to a person who has an equity or financial interest in the fisherman's traps.

13. A fisherman may not during the period of eligibility withdraw his name from the list except for reasons and under the conditions specified in these regulations, and no return of premium shall be made except in the cases specially provided for by these regulations.

14. Where more than one fisherman owns the traps in respect of which an application is made, the application may be made by all the owners jointly or by one or more fishermen only, but subject to section 12 the Minister shall not be required to make any payment of indemnity or to give any notice except to the fisherman or fishermen whose names appear on the application or as otherwise provided for by section 11.

15. Where any hour or time is stated in these regulations or in any order, notice or other matter done thereunder, the hour or time referred to shall, unless it is otherwise specifically stated, be standard time in the locality where the fisherman resides.

16. The Minister may appoint a committee or committees to assist him in an advisory capacity in determining the numbers of traps owned and lost by fishermen.

17. There shall be a special account in the Consolidated Revenue Fund to be known as the Lobster Trap Indemnity Account to which shall be credited all premiums, recoveries and repayments, and from which shall be paid indemnities, refunds of premiums and amounts paid in error in excess of premiums.

18. The Minister may from time to time designate or appoint representatives for the purpose of carrying these regulations into effect and authorize any or all of the representatives to exercise or perform any of the functions, powers or duties of the Minister under these regulations.

Appropriation Acts—continued

3. Fishing Vessel Indemnity Regulations

P.C. 1954-1975

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under and by virtue of the Appropriation Act, No. 4, 1954, Vote No. 536, is pleased to order as follows:

1. The Fishing Vessel Indemnity Regulations, established by Order in Council P.C. 1953-1079 of 6th July, 1953, as amended, are hereby revoked; and

2. The annexed "Fishing Vessel Indemnity Regulations" are hereby made and established in substitution for the regulations hereby revoked.

FISHING VESSEL INDEMNITY REGULATIONS

1. These regulations may be cited as the *Fishing Vessel Indemnity Regulations*.

2. In these regulations,

- (a) "appraised value" means the replacement cost of a vessel adjusted for age and other factors as determined by the Minister;
- (b) "fisherman" means a person who earns a substantial income through fishing operations by means of a vessel, or a member of the immediate family of such person;
- (c) "list" means the list of names of fishermen who are eligible for indemnity under these regulations for total loss or partial loss of vessels;
- (d) "Minister" means the Minister of Fisheries; and
- (e) "vessel" means a mechanically propelled fishing vessel and includes the means of propulsion, the hull and equipment customarily used therein, one lifeboat and its equipment and special equipment affixed to the hull, but does not include non-powered fishing dories and seine skiffs and all fishing appliances and accessories part or all of which leave the vessel for a fishing operation.

3. (1) The name of a fisherman may be placed on the list if the Minister is satisfied that

- (a) the vessel is owned by the fisherman to an extent of not less than one-third or twenty-one shares, or acquired by him under some form of contractual obligation approved by the Minister,
- (b) the vessel is operated by the fisherman in commercial fisheries in the tidal waters of the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island, Quebec (including the St. Lawrence River from and below Three Rivers) or British Columbia,

**Appropriation Acts—continued**

- (c) the fisherman has made an application on the prescribed form to have his name placed on the list and the application has been approved by the Minister,
- (d) an appraised value of the vessel of not less than \$250 and not more than \$7,500 has been established,
- (e) the vessel is seaworthy and the age of the vessel is not more than twelve years or, if more than twelve years, that because of its general condition the vessel may be accepted,
- (f) any existing insurance on the vessel for total loss or partial loss has been fully disclosed by the fisherman and that the amount of such insurance does not exceed forty per centum of the appraised value in the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island or Quebec and thirty per centum of the appraised value in the province of British Columbia, and
- (g) the fisherman has paid a premium in advance for a period of twelve months calculated at the rate of one per centum of the appraised value.

(2) Subject to subsections (3), (4), (5) and (6), the name of a fisherman may be retained on the list from twelve o'clock noon of the date of eligibility shown on the Certificate of Eligibility issued by the Minister to the fisherman to the same hour and date twelve months later.

(3) Notwithstanding paragraph (g) of subsection (1), where a loss that would entitle a fisherman to indemnity occurs during the period between twelve o'clock noon of the date of eligibility shown on the premium receipt issued to the fisherman and twelve o'clock noon of the date of eligibility shown on the Certificate of Eligibility, the effective date of eligibility for the purpose of these regulations shall be the earlier of the two.

(4) Where the Minister has, after the fisherman's name has been placed on the list, declared that the fisherman's name should not under the regulations be retained on the list, and a notice in writing of such declaration has been delivered by hand or by registered mail to the fisherman, he shall cease to be eligible for indemnity from twelve o'clock noon of the day following the date of delivery of the notice, and the Minister shall make a *pro rata* daily return of premium to the fisherman calculated as of the time and date his eligibility for indemnity ceased.

(5) A fisherman whose name is on the list shall cease to be eligible for indemnity if his vessel be sold, transferred to other ownership or requisitioned, or if the vessel be insured for total loss or partial loss for an amount exceeding that prescribed in paragraph (f) of subsection (1), in which instances the Minister may make a *pro rata* daily return of premium to the fisherman calculated as of twelve o'clock noon of the date of sale, transfer of ownership, requisitioning or insuring.

(6) Where a loss occurs to a vessel owned by a fisherman that entitles him to indemnity pursuant to subsection (1) of section 6, the name of such fisherman shall be stricken from the list in respect of such vessel as of the time and date of the loss.

4. (1) Where a fisherman makes a claim for indemnity, he shall submit proof of loss on forms prescribed by the Minister, and shall supply such receipts, vouchers, statements, declarations or other information as the Minister may require.



**Appropriation Acts—continued**

(2) In calculating the indemnity payable for a partial loss, no cost of towage or salvage shall be included, nor shall any cost of repairs which, in the opinion of the Minister, is not directly connected with the repair of the partial loss of the vessel that gave rise to the claim.

(3) Where the fisherman has himself repaired the damaged vessel, the Minister may include as part of the cost of repairing the damage an amount to compensate him for his labour at local rates of pay as determined by the Minister.

(4) The Minister may make progress payments to a shipyard where a vessel is being repaired, or to the supplier of materials for repairs, to the extent of seventy-five per centum of the estimated indemnity payable to the fisherman.

(5) Where a vessel disappears and no evidence is obtainable to explain the circumstances of its disappearance, the Minister may, one month after the disappearance has been reported, declare the vessel a total loss and pay the indemnity, but if such vessel is subsequently found it shall, unless it is a total loss, become the property of the Crown and shall remain the property of the Crown until such time as the appropriate amount of the indemnity is repaid: provided that, where the fisherman has not repaid the appropriate amount of the indemnity within three months after the vessel was found, the Minister may, at the expiration of such period, declare the vessel surplus to the requirements of his Department in which case the vessel shall be dealt with in accordance with the Surplus Crown Assets Act, but where the fisherman has repaid the appropriate amount of the indemnity within three months after the vessel was found, the fisherman's name shall, notwithstanding subsection (6) of section 3, be deemed to have been retained on the list.

5. The Minister may pay an indemnity as hereinafter provided for total loss or partial loss of a vessel owned by a fisherman if the Minister is satisfied that the loss

- (a) was incurred within the period during which the fisherman's name was on the list,
- (b) has been established in accordance with section 4,
- (c) has been the result of collision, storm, tidal wave, fire or any other recognized peril, and
- (d) has not been the result of ordinary wear and tear, wilful damage or other wrongful act or recklessness, use of the vessel for illegal purposes, hostilities or warlike operations (whether there has been a declaration of war or not) or strikes or the acts of persons taking part in labour disturbances.

6. (1) The payment of indemnity pursuant to these regulations shall, in the case of total loss, be limited to

- (a) sixty per centum of the appraised value in the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island or Quebec, and
- (b) seventy per centum of the appraised value in the province of British Columbia,

the wreck, if any, remaining the property of the fisherman.

(2) The payment of indemnity pursuant to these regulations shall, in the case of partial loss be limited to eighty-five per centum of the amount by which the cost as approved by the Minister of repairing the damage exceeds

**Appropriation Acts—continued**

- (a) thirty per centum of the total appraised value of the vessel in the provinces of Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island or Quebec, and
- (b) fifteen per centum of the total appraised value of the vessel in the province of British Columbia,

save that for the purpose of these regulations the approved cost of repairing damage to any particular part of the vessel shall not exceed the appraised value of such part in effect at the time the partial loss was incurred.

(3) The amount of indemnity payable under paragraph (b) of subsection (1) and paragraph (b) of subsection (2) also applies to a fisherman whose name is on the list on the date these regulations come into force, but only in respect of a loss occurring on and after the date these regulations come into force.

7. (1) Subject to subsection (2), the appraised value established under paragraph (d) of subsection (1) of section 3 shall remain unchanged for the twelve-month period of eligibility.

(2) The Minister may order a re-appraisal at any time during the period of eligibility and shall order a re-appraisal where the fisherman notifies him of any significant change in the vessel, and where, as a result of a re-appraisal,

- (a) the old appraised value has been revised upward, the fisherman shall pay a *pro rata* daily additional premium of one per centum of the amount by which the appraised value has been increased calculated as of twelve o'clock noon of the date of re-appraisal but any indemnity for a loss that occurs before the additional premium is paid shall be based on the old appraised value;
- (b) the new appraised value exceeds \$7,500, the fisherman shall, if he pays a *pro rata* daily additional premium on the difference between the original appraised value and \$7,500 be eligible for indemnity, based on an appraised value of \$7,500 for the balance of the year covered by the original premium, but he shall not be eligible for renewal until such time as the appraised value again falls within the limits prescribed by paragraph (d) of subsection (1) of section 3;
- (c) the old appraised value has been revised downward, the Minister shall make a *pro rata* daily return of premium to the fisherman on the amount by which the appraised value has been decreased calculated as of twelve o'clock noon of the date of re-appraisal, and any indemnity for a loss that occurs after such time and date shall be based on the new appraised value;
- (d) the new appraised value is less than \$250, the Minister shall make a *pro rata* daily return of premium calculated as in paragraph (c), and the fisherman shall, notwithstanding paragraph (d) of subsection (1) of section 3, continue to be eligible for indemnity based on the new appraised value for the balance of the year covered by the original premium, but he shall not be eligible for renewal until such time as the appraised value again falls within the limits prescribed by paragraph (d) of subsection (1) of section 3.

8. (1) A fisherman whose period of eligibility for indemnity is about to expire may, subject to any re-appraisal of the vessel that the Minister may require, become eligible for a further twelve-month period upon pay-

**Appropriation Acts—continued**

ment, not later than the date of expiry of the eligibility period, of the prescribed premium on ninety-five per centum of the amount which constituted the last appraised value, unless a re-appraisal has been made within three months of the expiry date, in which case the re-appraised value shall apply.

(2) The Minister may, however, upon receipt of a notice in writing from the fisherman not later than the expiry date of the period of eligibility for indemnity, indicating the fisherman's intention to renew such eligibility for a further period of twelve months, permit the renewal premium to be paid not later than thirty days after such expiry date, and when such premium has been paid within the delay mentioned, the fisherman's name shall, notwithstanding paragraph (g) of subsection (1) of section 3, be deemed to have been placed on the list with effect from such expiry date.

9. The Minister may at any time cause a vessel owned by a fisherman whose name is on the list to be inspected, and if in the opinion of the Minister the vessel is unseaworthy he may declare such vessel ineligible for indemnity for total loss or partial loss occurring while the vessel is on a voyage until such time as the vessel is made seaworthy, and any vessel shall be deemed unseaworthy for the purpose of these regulations from the time notice of unseaworthiness is delivered to the fisherman.

10. (1) Where total or partial loss occurs to a vessel owned by a fisherman whose name is on the list, under circumstances where he may legally claim damages against any third person or persons, the fisherman may elect either to exercise his legal rights against the third person or persons or to claim the indemnity pursuant to these regulations: provided that, if he elects to claim and receives such indemnity, the Minister shall be subrogated to all the rights and remedies of the fisherman to the extent of the amount of indemnity received by him.

(2) In the event that the fisherman elects to exercise his legal rights against the third person or persons and as a result recovers from him or them an amount less than the indemnity to which he would have been entitled under these regulations, the fisherman may make a claim for and be paid by the Minister the difference between such indemnity and the amount so recovered, and where no amount is recovered by the fisherman he may make a claim for and be paid by the Minister the total amount of the indemnity.

11. In all cases, the calculation of a *pro rata* daily additional premium and a *pro rata* daily return of premium shall be based on a premium rate of one per centum for each twelve month period, such period for these purposes to be considered as 365 days.

12. Where a fisherman who has become entitled to indemnity dies before such indemnity is paid, the Minister may, subject to section 13, make the payment to the fisherman's estate or to his next of kin.

13. The Minister may, at the request in writing of a fisherman whose name is on the list, approve in writing the assignment of any payment of indemnity to a person who has an equity or financial interest in the fisherman's vessel.

14. A fisherman may not during the period of eligibility withdraw his name from the list.



**Appropriation Acts—continued**

15. Where more than one fisherman owns the vessel in respect of which an application is made, the application may be made by all owners jointly or by one or more fishermen only but, subject to section 13, the Minister shall not be required to make any payment of indemnity or to give any notice except to the fisherman or fishermen whose names appear on the application or as otherwise provided by section 12.

16. Where any hour or time is stated in these regulations or in any order, notice or other matter done thereunder, the hour or time referred to shall, unless it is otherwise specifically stated, be standard time in the locality where the fisherman resides.

17. Where a fisherman has in error paid an amount in excess of the premium required under these regulations, the Minister shall return such excess amount to the fisherman.

18. There shall be a special account in the Consolidated Revenue Fund to be known as the Fishing Vessel Indemnity Account to which shall be credited all premiums, recoveries and repayments, and from which shall be paid indemnities, refunds of premiums and amounts paid in error in excess of premiums.

19. The Minister may from time to time designate or appoint representatives for the purpose of carrying these regulations into effect, and may authorize any or all such representatives to exercise or perform any of the functions, powers or duties of the Minister under these regulations.

20. Unless it is otherwise expressly provided, any amendment of these regulations shall apply only to fishermen whose names have been placed on the list, including those whose names have been placed thereon by renewal, on or after the date the amendment comes into force.

**ARMY BENEVOLENT FUND ACT. (R.S.C., 1952, c. 10)**

Pursuant to section 12 of the Act, the Army Benevolent Fund Board has made regulations prescribing the manner in which its business and the business of its committees and subcommittees shall be carried on, and generally for carrying out the purposes of the Act. The regulations now in force were made by the Board on December 1, 1954, and were published in Part II of the *Canada Gazette*, issue of December 22, 1954, (No. 24) at page 2503.

## ATOMIC ENERGY CONTROL ACT. (R.S.C., 1952, c. 11)

## Atomic Energy Control Regulations

P.C. 1954-1643

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Chairman of the Committee of the Privy Council on Scientific and Industrial Research and pursuant to the provisions of the Atomic Energy Control Act, is pleased, hereby, to approve the revocation of the regulations of the Atomic Energy Control Board approved by Order in Council P.C. 5513 of 3rd November, 1949, and to approve, in substitution therefor, the annexed "Atomic Energy Control Regulations".

## ATOMIC ENERGY CONTROL REGULATIONS

## Part I

## TITLE AND INTERPRETATION

*Title*

100. These regulations may be cited as the *Atomic Energy Regulations of Canada*.

*Interpretation*

101. (1) In these regulations, unless the context otherwise requires:

- (a) "Act" means the Atomic Energy Control Act;
- (b) "atomic energy" means all energy of whatever type derived from or created by the transmutation of atoms;
- (c) "Board" means the Atomic Energy Control Board established by the Act;
- (d) "deal in" includes produce, import, export, possess, buy, sell, lease, hire, exchange, acquire, store, supply, operate, ship, manufacture, consume and use;
- (e) "fissionable substance" means any prescribed substance that is, or from which can be obtained, a substance capable of releasing substantial amounts of energy by nuclear reaction;
- (f) "member" means a member of the Board;
- (g) "order" means any general or specific order, licence, permit, direction or instruction made, given or issued by or under the authority of the Board;
- (h) "person" includes firm, corporation, company, partnership, association or any other body and the heirs, executors, administrators, receivers, liquidators, curators and other legal representatives of such person according to the laws of that part of Canada applicable to the circumstances of the case, and includes any number of persons acting in concert or for a common purpose;

**Atomic Energy Control Act—continued**

- (i) "prescribed equipment" means any property, real or personal, other than prescribed substances, that in the opinion of the Board may be used for the production, use or application of atomic energy;
- (j) "prescribed substances" means uranium, thorium, plutonium, radioactive isotopes of other elements, deuterium and any substances containing any of the said elements or isotopes;
- (k) "President" means the President of the Board;
- (l) "produce" includes develop, drill for, mine, dredge, dig, sluice, mill, extract, concentrate, smelt, refine, purify, separate, enrich and process.

(2) Substances containing any of the elements or isotopes mentioned in paragraph (j) of subsection (1) are designated as being capable of releasing atomic energy.

(3) The Interpretation Act is applicable to and in respect of every order.

(4) The grammatical variations and cognate expressions of a word defined in these regulations shall have meanings corresponding to the meaning of the word so defined.

**Part II****DEALING IN PRESCRIBED SUBSTANCES AND PRESCRIBED EQUIPMENT***Prescribed Substances and Prescribed Equipment Generally*

200. (1) No person shall deal in any prescribed substance or prescribed equipment except under and in accordance with the provisions of these regulations or of an order.

(2) Where any person controls or directs any dealings by any other person in prescribed substances or prescribed equipment, whether such control is exercised through share ownership, trusteeship, agreement, duress or otherwise howsoever, all dealings in prescribed substances or prescribed equipment by such other person may be treated, for the purpose of these regulations or of any order, as dealings by the person who controls or directs such dealings.

- (3) Any order may
  - (a) impose conditions as to furnishing information, preventing disclosure of information, control of, disposition of, price of, inspection of, access to or protection of any prescribed substance or prescribed equipment, or otherwise in relation to any prescribed substance or prescribed equipment;
  - (b) regulate, fix, determine or establish the kind, type, grade, quality, standard, strength, concentration, or quantity of any prescribed substance or prescribed equipment that may be dealt in under the order or that may be dealt in by any person either generally or for any specified use and either generally or within a specified period of time.

*Import and Export*

201. No person shall import into Canada or export from Canada any prescribed equipment for the time being specified by order for the purposes of this section or any prescribed substance without first producing to the



**Atomic Energy Control Act—continued**

Collector of Customs and Excise at the proposed port of entry or exit an import or export permit from the Board, and no Collector of Customs and Excise shall permit any such prescribed equipment or any prescribed substance

(a) to be released for delivery to an importer in Canada; or

(b) to be exported from Canada,

unless the appropriate permit from the Board is produced to him.

*Uranium*

202. (1) No order shall be necessary to authorize dealings within Canada by any person as regards uranium

(a) contained in any substance that contains less than 0.05 per cent by weight of the element uranium; or

(b) contained in any substance and which dealings do not involve during any calendar year a total of more than 10 kilograms of contained uranium element.

(2) Nothing in this section shall authorize any dealings in any substance that contains any of the uranium isotope U-233 or that contains uranium having any greater percentage of the isotope U-235 than is normally found in nature.

*Thorium*

203. No order shall be necessary to authorize dealings within Canada by any person as regards thorium

(a) contained in any substance that contains less than 0.05 per cent by weight of the element thorium; or

(b) contained in any substance and which dealings do not involve during any calendar year a total of more than 10 kilograms of contained thorium element.

*Radio-Active Isotopes*

204. (1) No order shall be necessary to authorize dealings within Canada by any person as regards radio-active isotopes of elements of atomic number less than ninety contained in any substance if such dealings do not involve buying, selling, leasing or hiring.

(2) No order shall be necessary to authorize dealings by any person as regards radio-active elements of atomic number less than eighty contained in any substance that does not contain any greater percentage of any radio-active isotope of any such element than is normally found in nature.

*Deuterium*

205. No order shall be necessary to authorize dealings by any person as regards deuterium

(a) contained in any substance that does not contain hydrogen having any greater percentage of deuterium than is normally found in nature; or

(b) contained in any substance and which dealings do not involve during any calendar year a total of more than 1 kilogram of contained deuterium.

**Atomic Energy Control Act—continued***Prescribed Equipment*

206. No order shall be necessary to authorize dealings within Canada by any person as regards prescribed equipment except to such extent and as to such prescribed equipment as may from time to time be specified by order.

**Part III**

## INFORMATION AND INSPECTION

*Records*

300. Every person dealing in any prescribed substance (otherwise than as may under Part II of these regulations be done without an order) or in any prescribed equipment shall

- (a) keep fully and accurately such books, accounts and records as are necessary adequately to record all dealings by such person in or with any prescribed substance or prescribed equipment including such books, accounts and records as may from time to time be required by order;
- (b) furnish to the Board in such form and within such time as may from time to time be required by order such information as the Board may deem necessary in relation to the dealings of such person in any prescribed substance or prescribed equipment;
- (c) produce to any person authorized in writing for the purpose by the Board all or any books, records and documents in the possession or control of such person; and
- (d) permit the person so authorized to make copies of or take extracts from the same and, if so authorized by the Board, to remove and retain any such books, records and documents.

*Prospecting*

301. Every person not operating under an order who finds *in situ* any mineral deposit that he believes or has reason to believe contains more than 0.05 per cent by weight of the element uranium, or more than 0.05 per cent by weight of the element thorium, shall forthwith after he has had reasonable time to protect his discovery by staking or otherwise, notify the Director of the Geological Survey of Canada, Ottawa, of the place of origin and character of such mineral, together with all other information in the possession of such person indicative of the character, composition and probable extent of deposits containing uranium or thorium at or near the place of origin of such mineral; and every person who has so notified the said Director may, subject to the terms of any order applicable to the deposit concerned, make public any information he may acquire or receive as to the character, composition or probable extent of such deposit until the development thereof has reached a stage where commercial production is assured.

*Assaying and Analysis*

302. Every person who performs any assay or analysis of any material containing uranium or thorium may, notwithstanding that such assay or analysis indicates that such material contains more than 0.05 per cent

**Atomic Energy Control Act—continued**

by weight of the element uranium or more than 0.05 per cent by weight of the element thorium, report the results of such assay or analysis to the person from whom such material was received.

*Assistance by Other Authorities*

303. Where a person by virtue of any statute or order or regulation thereunder has power to obtain information relating to prescribed substances or prescribed equipment

- (a) such person shall if so requested by the Board exercise that power for the purpose of assisting the Board to obtain such information; and
- (b) any such information possessed or obtained by such person whether upon a request of the Board or otherwise shall, upon the request of the Board, be communicated to the Board.

*Inspection*

304. Every person dealing in or who proposes to deal in any prescribed substance or prescribed equipment shall permit the Board or any person thereunto authorized by the Board

- (a) to enter any land, premises or place where such dealing is or is proposed to be carried on; and
- (b) to inspect and control such prescribed substance, prescribed equipment or dealing in such prescribed substance or prescribed equipment to such extent as may in the opinion of the Board be necessary to ensure compliance with the terms of these regulations and of any order relating thereto.

*Disclosure of Information by Board*

305. No information with respect to an individual business that has been obtained by the Board under or by virtue of these regulations or of an order shall be disclosed without the consent of the person carrying on such business, except

- (a) to a department of the Government of Canada or of a province or to a person authorized by such department requiring such information for the purpose of the discharge of the functions of that department; or
- (b) for the purposes of any prosecution for an offence under the Act or these regulations.

**Part IV**

**SECURITY**

*Disclosure of Information*

400. (1) No person shall, except under and in accordance with the provisions of these regulations or of an order, communicate to any other person orally or by any document, drawing, photograph, plan, model or otherwise howsoever any information whatsoever that, to his knowledge, discloses, describes, represents, or illustrates

- (a) the kind, location or quantity of any fissionable substance not authorized under Part II of these regulations to be dealt with



**Atomic Energy Control Act—continued**

without an order; provided that this paragraph shall not be applicable in relation to any fissionable substance in quantities of less than ten grams;

- (b) methods of rates of or capacity for producing any fissionable substance or deuterium;
- (c) specifications for substances, equipment or processes specially used, designed or adapted for nuclear reactors, plants for the separation of isotopes of fissionable substances or plants for the extraction of fissionable substances;
- (d) quantities of substances resulting from the operation of nuclear reactors, plants for the separation of isotopes of fissionable substances or plants for the extraction of fissionable substances;
- (e) theory, design or operating procedure of nuclear reactors, plants for the separation of isotopes of fissionable substances or plants for the extraction of fissionable substances;
- (f) nuclear properties of fissionable substances; or
- (g) military applications of atomic energy.

(2) Subsection (1) does not apply to the communication of information that has previously been published in scientific or technical literature, official publications, or official press releases.

*Protected Places*

401. (1) The Board may by order designate as a protected place any premises in relation to which by reason of any research or investigation with respect to atomic energy, or any utilization or preparation for utilization of atomic energy, or any dealing in any prescribed substance carried on or proposed to be carried on therein, special precautions are in the opinion of the Board necessary for the protection of persons or property or to prevent the disclosure against the public interest of information with respect to atomic energy.

(2) Any premises in relations to which an order made under this subsection is in force are hereafter in these regulations referred to as a "protected place" and the order designating such premises as a protected place is hereafter in these regulations referred to as the "designating order".

(3) No person shall be in a protected place except as permitted by or pursuant to the designating order.

(4) Every person who is granted permission to be in a protected place shall, while acting under such permission, comply with such directions as may be given by or pursuant to the designating order; and if authorized in that behalf by the Board or the occupier of the premises, any person acting on behalf of Her Majesty, any officer or constable of the Royal Canadian Mounted Police or any person employed for the preservation and maintenance of the public peace may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him but no woman shall be searched except by a woman.

(5) If authorized in that behalf by the Board or the occupier of the premises, any person acting on behalf of Her Majesty, any officer or constable of the Royal Canadian Mounted Police or any person employed

**Atomic Energy Control Act—continued**

for the preservation and maintenance of the public peace may remove from a protected place any person who is in that protected place in contravention of this section, or who, while in that protected place, fails to comply with any direction given by or pursuant to the designating order, but such removal shall be without prejudice to any other proceedings that may be taken.

*Precautions Generally*

402. Every person dealing in any prescribed substance or prescribed equipment shall in relation thereto take all reasonable and proper precautions for the protection of persons and property against injury or damage and for the prevention of communication of information in breach of these regulations or of an order.

**Part V**

PATENT RIGHTS

*Inventions and Designs*

500. (1) Where, either before or after the coming into force of these regulations, an application has been made to the Commissioner of Patents for the grant of a patent or the registration of a design which, in the opinion of the Commissioner of Patents, relates to the production, application or use of atomic energy, or to any prescribed substance or prescribed equipment, and the application is communicated by the Commissioner to the Board, the Commissioner, if satisfied on the advice of the Board that it is expedient in the public interest so to do, may omit or delay the doing of anything that he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) The advice of the Board in relation to any application of which the Board is informed by the Commissioner of Patents hereunder shall be given within six months after such information has been received, and all proceedings in the Patent Office in respect of such application shall be stayed until such advice is given.

*Compensation*

501. Where, on the advice of the Board, the Commissioner of Patents omits or delays the doing of anything that he would otherwise be required to do in relation to the application, and the Commissioner informs the Board that there is no other application in the Patent Office with which the first-mentioned application would be involved in conflict proceedings and that the first-mentioned application contains patentable subject matter, the Board may, with the approval of the Governor in Council, pay to the applicant under the first-mentioned application, such compensation in respect of expense incurred or work done in connection with the discovery or development of the invention concerned, as may be agreed upon between the applicant and the Board or if not so agreed upon, as may be determined by the Exchequer Court.

**Atomic Energy Control Act—continued***Applications for Foreign Patents*

502. No person shall, except under the authority of a written permit granted by or on behalf of the Commissioner of Patents, make any application for the grant of a patent, or the registration of a design, which relates to the production, application or use of atomic energy or to any prescribed substance or prescribed equipment, in any foreign country.

*Non-Prejudice by Communication or Use Under Regulations*

503. The right of any person to apply for or obtain a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to the Board under these regulations or used by any person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used.

**Part VI****ADMINISTRATION AND ENFORCEMENT***Exercise of Powers*

600. (1) Any order authorized by these regulations may be made by the Board, by any such officer or member of the Board or other person as the Board may designate.

(2) Every order made under these regulations shall be final and binding unless and until it has been reviewed and varied or vacated by the Board.

*General or Selective Exercise of Powers*

601. The Board may act and any order may be made either generally with respect to the whole subject matter in relation to which such act or order is done or made or partially or selectively with respect only to a portion or portions of such subject matter and without restricting the generality of the foregoing the Board may act and any order may be made in respect of or in relation to

- (a) any person or thing in the plural or aggregate or in a group or groups as well as in the singular as the Board may specify;
- (b) any particular number or numbers of persons or number or numbers or part or parts of any thing or things as well as all of such persons, thing or things as the Board may specify;
- (c) any person or thing either generally or in any particular province, place, area, zone or locality, designated by the Board;
- (d) a person of any particular trade, industry, occupation, profession, group, class, organization or society, or a thing of any particular type, kind, grade, classification, quality or species as the Board may specify; or
- (e) an indefinite, undetermined or unspecified time or such period or periods of time as the Board may specify.



**Atomic Energy Control Act—concluded**

*Service and Publication of Orders*

602. (1) Any order may be served on any person by sending a copy of such order by registered post to the last known residence or place of business of such person or if such person is a corporation by so sending it to the head office or to any branch or place of business of such corporation in Canada.

(2) The Board may cause any order made under these regulations to be published in the *Canada Gazette* and every person shall be deemed to have had notice of such order as from the date of publication of the issue of the *Canada Gazette* in which it appears.

*Breach of Contract Pursuant to Order*

603. Where any person fails to fulfill any contract or obligation whether made or assumed before or after the effective date of these regulations and such failure is due to compliance on the part of such person with any order made after such contract or obligation is made or assumed, proof of that fact shall be a good defence to any action or proceeding against such person in respect of such failure.

*Evidence*

604. In any proceedings in any court any document purporting to be certified by the President, vice-president, secretary or assistant secretary of the Board to be a true copy of an order shall be *prima facie* evidence that such order was made and issued under these regulations and shall be receivable in evidence without proof of the signature or official character of the person appearing to have signed the same.

**BANK ACT. (R.S.C., 1952, c. 12)**

No regulations have been made under this statute.

**BANK OF CANADA ACT. (R.S.C., 1952, c. 13)**

No regulations have been made under this statute.

**BANKRUPTCY ACT. (R.S.C., 1952, c. 14)**

**Bankruptcy Rules**

P.C. 1954-1976

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to section 166 of the Bankruptcy Act, is pleased to order as follows:

**Bankruptcy Act—continued**

1. The General Rules under the Bankruptcy Act, 1949, established by Order in Council P.C. 2872 of 13th June, 1950, are hereby revoked; and

2. The annexed "General Rules under the Bankruptcy Act" are hereby made and established in substitution for the General Rules hereby revoked.

## GENERAL RULES UNDER THE BANKRUPTCY ACT

*Short Title*

1. These rules may be cited as the *Bankruptcy Rules*.

*Interpretation*

2. In these rules,

- (a) "Act" means the *Bankruptcy Act*;
- (b) "judge" means a judge of a court having jurisdiction under the Act;
- (c) "registrar" means a registrar appointed under section 141 of the Act;
- (d) "seal" means the seal ordinarily used by the court in civil actions and matters;
- (e) "tariff" means the tariff of costs in Schedule A; and
- (f) "taxing officer" means the registrar or other officer appointed under the Act for the taxation or fixing of costs or the passing of accounts.

3. (1) The forms in Schedule B, where applicable, or forms to the like effect, with such variations as the circumstances require, shall be used in proceedings under the Act.

(2) A reference in Schedule B to a section or part is a reference to a section or part of the Act.

## GENERAL

4. The practice of the court in civil actions or matters, including the practice in chambers, shall in cases not provided for by the Act or these rules, and so far as the same are applicable and not inconsistent with the Act or these rules, apply to all proceedings under the Act or these rules.

5. (1) Except as provided in these rules or unless the court otherwise directs, whenever in these rules any notice or document is required to be given or served, the notice shall be given or service shall be made personally four clear days before the event to which the notice or document relates, and any such notice shall be in writing.

(2) The court may, on an *ex parte* application, in any case to which this section applies, direct substituted or short notice or service in such manner as it considers desirable.

(3) Notwithstanding subsection (1), the notices or services referred to in sections 20, 40, 60, 61 and 68 may be effected by registered mail

**Bankruptcy Act—continued**

and shall be deemed to be effected when it would, in the ordinary course of post, be delivered to the recipient, of which time the court may take judicial notice.

6. An interim receiver or trustee may appear in person before a registrar on any application or proceeding under the Act.

*Proceedings*

7. (1) Every document made or used in the course of proceedings in court shall be dated and entitled in the name of the court in which it is taken and "In Bankruptcy", and numbers and dates may be denoted by figures.

(2) Every proceeding commenced by the filing of a petition or after the filing of an assignment shall be entitled "In the matter of the bankruptcy of .....".

(3) Every proceeding commenced by the lodging of a proposal prior to bankruptcy shall be entitled "In the matter of the proposal of .....".

(4) Unless the Chief Justice, Associate Chief Justice or Commissioner, as the case may be, otherwise directs, every document required to be filed in court shall be filed with the registrar.

8. Every proceeding of the court shall remain of record in the court but may at any reasonable time be inspected by any person.

9. Every petition, warrant and subpoena issued by the court shall be sealed.

10. Where any proceedings are transferred from one court to another court under subsection (7) of section 144 of the Act, the registrar of the former court shall send all documents relating to the proceedings by post to the registrar of the latter court with a copy of the order of transfer.

11. Where personal service of a notice, order or other proceeding is required, it may be effected by delivering a copy thereof to the party to be served.

*Motions and Practice*

12. Except as provided in these rules or unless the court otherwise orders, every application to the court shall be made by motion.

13. (1) Subject to subsection (2), where any party other than the applicant is affected by a motion, no order shall be made except with the consent of that party duly shown to the court or upon proof to the satisfaction of the court that notice of motion was duly served upon that party.

(2) Where the court is satisfied that the delay caused by serving a notice may entail serious difficulties, it may make any order *ex parte* upon such terms as to costs or otherwise and subject to such undertaking, if any, as the court considers necessary or desirable.

(3) Any party affected by an order made under this section may move to set it aside.



**Bankruptcy Act—continued**

14. Every affidavit to be used upon a motion or application shall be filed in court not later than the day before the hearing.

15. A party who intends to make a motion shall file in court a copy of his notice of motion not later than the day before the hearing.

*Settlement of Order*

16. (1) Every order made by a judge shall be settled and signed by him or the registrar.

(2) Every order made by the registrar shall be settled and signed by him.

(3) The person who is required to execute an order that, in the opinion of the court, requires to be settled shall obtain an appointment to settle the order and give reasonable notice of the appointment to all persons affected thereby or their solicitors.

*Security in Court*

17. (1) Subject to section 19, unless otherwise provided in the order, any security required to be given in court shall be by bond of a guaranty company approved by the court.

(2) The court may in its discretion order security to be given by bond with one or more sureties to the registrar or to the person to be secured, and in such case the court may require a security to make an affidavit of justification.

(3) Where the court requires a surety to make an affidavit of justification, the court may require notice of the time and place of the taking of the affidavit to be given to the person to be secured and may direct the manner in which the notice shall be given.

18. The bond shall be taken in a penal sum of not less than the total of the sum to be secured and the probable costs as estimated by the court.

19. Where a person is required to give security in court, he may in lieu of a bond deposit in court a sum equal to the total of the sum to be secured and the probable costs as estimated by the court together with a memorandum, approved by the registrar and signed by that person or his solicitor or agent, setting forth the conditions of the security.

20. No person who has given security in court shall proceed until he gives notice thereof in writing to the person secured.

*Affidavits*

21. No affidavit, other than a proof of claim, is sufficient if it is sworn before

- (a) the solicitor acting for the party on whose behalf the affidavit is to be used,
- (b) an agent, clerk or partner of that solicitor, or
- (c) an agent, employee or partner of the party.

22. An affidavit on behalf of a corporation may be made by any officer or employee thereof who has personal knowledge of the facts who deposes to that knowledge in the affidavit.

**Bankruptcy Act—continued**

23. The court shall take judicial notice of the seal and signature of any person who is authorized to take affidavits or to certify the authority.

*Witnesses and Depositions*

24. Any party to a proceeding in court may by a writ of subpoena in Form 66 or 67, with or without a clause requiring the production of books, deeds, papers, documents or other written matter, require the attendance of a witness before the court, and the name of one or more witnesses may be inserted in the same subpoena.

25. Subpoenas shall be served and service shall be proved in the same manner in which subpoenas issued by the court in civil actions or matters are required to be served and proved.

26. The costs of witnesses, whether examined or not, are in the discretion of the court.

27. (1) Evidence may be taken in shorthand by a writer sworn by the court or by the person before whom the evidence is taken, but a shorthand writer duly appointed and sworn for the purposes of a court need not be further sworn.

(2) Evidence that is taken down in shorthand may be by question and answer and need not be read over to or signed by the person examined unless the court so directs or, in the case of an examination outside of court, one of the parties so requires.

(3) A copy of the evidence purporting to be certified by the court or by the person before whom it was taken or by a shorthand writer duly sworn is admissible in evidence without proof of the seal of the court or the signature of that person.

28. An order for examination, commission or letters of request to examine a witness and the writ, order, commission or request shall follow the forms in use in the court in civil actions or matters with such variations as the circumstances require.

29. (1) A party to any proceedings in court may, with leave of the court, administer interrogatories to or obtain discovery of documents or examination for discovery from any other party to the proceedings, or any other person as directed by the court.

(2) A party to any proceedings in court may, with leave of the court, require the attendance of any person for cross-examination upon any affidavit made by him in the proceedings.

(3) An application for leave under this section may be made *ex parte*.

*Warrants, Arrests and Commitments*

30. A warrant of seizure, a search warrant or any other warrant issued under the Act or these rules shall be addressed to the sheriff or such other person as the court directs.

31. (1) Where a person is apprehended or arrested under section 124 or 126 of the Act, the person apprehending or arresting him shall forthwith give him into the custody of the Governor or keeper of the prison or jail mentioned in the warrant, and such governor or keeper shall safely keep the person apprehended or arrested pending the order of the court.

**Bankruptcy Act**—*continued*

(2) A person apprehending or arresting a person under section 124 or 126 of the Act shall, forthwith after giving the person into custody under subsection (1), report to the court accordingly.

(3) Upon the report mentioned in subsection (2) being made to it, the court may make an order setting a time and place for the examination of the apprehended person by the court or, in the case of a bankrupt apprehended for failure to present himself for an examination under paragraph (c) of section 117 of the Act, by the court or the official receiver.

(4) When a time and place are set under subsection (3) for the examination of a bankrupt apprehended for failure to present himself for an examination under paragraph (c) of section 117 of the Act, the registrar shall send a notice thereof to the official receiver and the trustee.

(5) When a time and place are set under subsection (3) for the examination of a person other than a person described in subsection (4), the registrar shall send a notice thereof to the trustee and the person who applied for the examination.

32. Anything seized pursuant to the Act or these rules shall be lodged forthwith with the trustee.

*Service and Execution of Process*

33. Every solicitor who sues out, files or serves any process or document shall endorse thereon his name or firm and place of business, which shall be his address for service.

34. Any notice or document for which personal service is required shall be deemed to be duly served on all the interested members of a partnership if it is served at the principal place or one of the principal places of business of the partnership in the province where the proceedings are taken or, if there is no such place, at the principal place of business of the partnership in Canada, upon any one of the partners, or upon any person having at the time of service the control or management of the partnership business there.

35. Any notice or document for which personal service is required shall be deemed to be duly served on a corporation if it is served at the head office or principal place or one of the principal places of business of the corporation in the province where the proceedings are taken or, if there is no such place, at the head office or principal place of business of the corporation in Canada, upon the manager or any officer of the corporation or upon any person having at the time of service the control or management of the business of the corporation at the place of service.

36. (1) Service shall be effected before the hour of five o'clock in the afternoon, except on Saturdays, when it shall be effected before the hour of one o'clock in the afternoon.

(2) Service effected after five o'clock in the afternoon on any week day, except Saturday, shall be deemed to have been effected on the next following day that is not a legal holiday.

(3) Service effected after one o'clock in the afternoon on Saturday shall be deemed to have been effected on the next following day that is not a legal holiday.



**Bankruptcy Act—continued**

37. (1) The sheriff or bailiff of the court having jurisdiction, or such officer as the court directs, shall serve and execute any process or document that the court requires him to serve and execute and shall do and perform any act that is required by the court.

(2) Any document that may be served by post shall be sent by registered letter.

*Costs and Taxation*

38. (1) Subject to subsection (2), all bills of costs for legal services shall be taxed.

(2) The costs not exceeding fifty dollars of any one solicitor may be paid by the trustee without taxation unless the total legal costs, exclusive of disbursements for all legal services set out in paragraph (e) of subsection (6) of section 155 of the Act, exceed ten per cent of the gross receipts less amounts paid to secured creditors.

39. The court may, upon *ex parte* application by a trustee, order a solicitor to submit his bill to the trustee or bring it into court to be taxed, and upon default by the solicitor the court may upon *ex parte* application by the trustee order him to distribute the proceeds in his hands without regard to the solicitor's bill.

40. Four clear days' notice of the time and place of taxation shall be given by the solicitor to the trustee or other person who is liable for payment.

41. Every bill of costs shall be itemized and shall show a separate charge for each item.

42. When a bill of costs has been taxed, the taxing officer shall inscribe thereon and sign a certificate of taxation, and a bill of costs so certified shall have the same effect and may be enforced as a judgment of the court.

43. A taxing officer shall, in taxing a bill of costs, satisfy himself that

- (a) the services have been duly rendered,
- (b) the charges are reasonable and in accordance with the tariff where applicable,
- (c) when so required to be, the services have been authorized and approved in accordance with the Act, and
- (d) the services are proper legal services and not services that the trustee should have rendered himself.

44. No bill of costs shall be taxed unless the trustee is represented on the taxation or the bill of costs is accompanied by a statement signed by the trustee stating that

- (a) he has examined the bill,
- (b) the services have been duly authorized and rendered, and
- (c) the charges are in his opinion fair and reasonable.

45. (1) No appeal lies from the decision of a taxing officer on the taxation of a bill of costs unless notice stating the grounds of appeal is given to the opposite party within ten days after the day of the decision appealed from.

(2) The judge shall hear and determine the appeal and he may retax the bill as if it were being originally taxed before him.

**Bankruptcy Act—continued**

46. A trustee may withhold payment of any part of a bill of costs to which he believes the claimant is not entitled by reason of subsection (7) or (8) of section 155 of the Act, and if it appears to the trustee that a bill of costs as taxed is excessive having regard to those subsections, he may, upon giving four clear days' notice to the opposite party, apply to have the bill of costs retaxed.

*Fees of Court Officers*

47. Where a dispute arises as to the amount of fees to be allowed to a court officer, the judge shall fix the amount.

*Rules Relating to the Business of the Court*

48. The Chief Justice, Associate Chief Justice or Commissioner mentioned in section 141 of the Act, as the case may be, shall regulate the bankruptcy sittings and vacations of the court.

*Appeals from Registrar*

49. (1) An appeal from an order or decision of the registrar shall be by motion to the judge.

(2) Notice of motion shall be filed with the registrar and served upon the other party within ten days after the day of the order or decision appealed from or within such further time as the judge allows.

(3) The notice of motion shall set forth the grounds of appeal.

(4) No security for costs of the appeal is required.

*Appeals to Court of Appeal*

50.(1) No appeal to the Court of Appeal shall be brought unless notice thereof is filed with the registrar and served within ten days after the day of the order or decision appealed from or within such further time as a judge of the Court of Appeal allows.

(2) Where an appeal is brought under paragraph (e) of section 150 of the Act, the notice shall combine notice of appeal and of application for leave to appeal.

(3) Before entering an appeal to the Court of Appeal, the appellant shall deposit in court one hundred dollars as security for costs.

(4) The Court of Appeal may increase, decrease or dispense with security for costs.

51. The registrar of the court appealed from shall transmit to the registrar of the Court of Appeal the notice of appeal and the record.

52. Subject to the Act and these rules, appeals to the Court of Appeal shall be regulated by the ordinary rules of that court relating to appeals in civil actions or matters.

*Appeals to Supreme Court*

53. An application for special leave to appeal from a decision of a Court of Appeal and to fix the security for costs, if any, may be made to a judge of the Supreme Court of Canada within sixty days after the date of the decision appealed from and notice of the application shall be served on the other party at least fourteen days before the hearing thereof.

**Bankruptcy Act—continued**

54. Subject to section 53, appeals to the Supreme Court of Canada shall be regulated as nearly as may be by the rules of that court relating to appeals in civil actions or matters.

ADMINISTRATIVE OFFICIALS

*Official Receivers*

55. The official receiver may apply to the registrar, or if the official receiver is the registrar, to the judge, for directions in case of doubt or difficulty or in any matter not provided for by the Act or these rules.

TRUSTEES

*Appointment and Substitution of Trustees*

56. A certificate of an official receiver or an order of the court or a certified copy of the certificate or order is conclusive evidence of the appointment of a trustee without proof of seals or signatures.

*Duties of Trustees*

57. A trustee under a proposal by an insolvent person shall send a notice of the proposal in Form 36 to the registrar.

58. A trustee who has been appointed trustee of an estate pursuant to subsection (2) or (3) of section 6 of the Act shall immediately notify the registrar of his appointment.

59. If within seven days of his appointment a trustee has not deposited with the official receiver the security required by subsection (1) of section 8 of the Act, the official receiver shall immediately so report to the Superintendent.

60. Notice of a report to the court under subsection (2) of section 12 of the Act shall be given by the trustee to the inspectors and to the Superintendent at the time he reports to the court.

61. A trustee who is required to pass his accounts in accordance with subsection (1) of section 14 of the Act shall serve a notice in Form 8 of the time and place for passing the accounts upon

- (a) every creditor whose claim has been proved,
- (b) the registrar,
- (c) the bankrupt,
- (d) the substituted trustee, and
- (e) the Superintendent,

and the notice shall be accompanied by a copy of the statement of receipts and disbursements, but the court may order that notice is not required to be given to the creditors.

*Remuneration of Trustees*

62. (1) Unless the court otherwise orders, the remuneration of the trustee shall be deemed to cover all services performed by the trustee, his partners and employees.

(2) In taxing the accounts of a trustee pursuant to section 111 of the Act, the taxing officer shall tax disbursements at the rates provided by the tariff.



**Bankruptcy Act—continued**

(3) The disbursements of a trustee shall not include reimbursement for the use of the premises or facilities of the trustee.

(4) Subject to the Act and this section, the court shall determine the disbursements that may properly be charged by the trustee.

*Discharge of Trustee*

63. An application of a trustee for his discharge shall be in Form 15 and shall be

(a) verified by affidavit in Form 16, and

(b) accompanied by a copy of the trustee's final statement of receipts and disbursements and dividend sheet.

64. (1) Unless the court otherwise orders, a trustee who completes the administration of an estate shall keep all estate books, records and documents for at least six years after the day of his discharge.

(2) When a trustee has complied with subsection (1), he may destroy unimportant books and documents but, unless the court otherwise orders, he shall continue to keep for a further period of fourteen years all title papers relating to real or immovable property, documents under seal and important books and papers.

(3) A trustee is subject to the direction of the court with respect to the production and disposal of books and papers referred to in subsections (1) and (2).

(4) Documents that are subject to a lien of a solicitor shall be returned to the solicitor upon completion of the administration of the estate to which the documents relate.

## RECEIVING ORDERS AND ASSIGNMENTS

*Petition for Receiving Order*

65. (1) In this section and in sections 66 to 73 "petition" means a petition for a receiving order.

(2) Every petition shall be clearly written and no alteration, interlineation or erasure shall be made therein after it has been filed without leave of the court.

66. Every petition shall be filed in duplicate, and one copy thereof shall be sealed and issued to the petitioner.

67. A true copy of a petition together with a notice of the time and place of the hearing thereof shall be served personally upon the debtor at least eight days before the hearing, but the court may for cause hear the petition at an earlier date on such terms as to service or otherwise as the court sees fit.

68. The court may for cause order substituted service of a petition and notice mentioned in section 67 in such manner as it directs.

69. Service of a petition may be proved by affidavit and such affidavit shall be filed in court as soon as practicable after service has been effected.

70. If a debtor against whom a petition has been filed dies before service thereof, service may be effected on the legal personal representative of the debtor.

**Bankruptcy Act—continued**

71. A debtor who intends to show cause against a petition shall file in court a notice setting out the statements in the petition that he intends to dispute, the grounds of his dispute and his address for service and shall serve a copy thereof either on the petitioning creditor or on his solicitor two clear days before the day on which the petition is to be heard.

72. If a debtor who has given a notice under section 71 in respect of a petition does not appear at the hearing of the petition, the court may make a receiving order on such proof of the statements in the petition as the court considers sufficient.

73. Where proceedings on a petition have been stayed for the trial of an issue of disputed fact and the issue has been determined, the registrar shall, on the application of the debtor or the petitioner, fix a time and place for the resumption of the proceedings on the petition, and the party that makes the application shall give to the other party two clear days' notice of the time and place so fixed by the registrar.

*Interim Receiver*

74. An order for the appointment of an interim receiver under section 24 of the Act may be made upon the *ex parte* application of a creditor or the debtor, but the court may adjourn the hearing of the application and direct that notice of the hearing shall be given to any party it sees fit.

75. When a petition is dismissed, the court may, upon application within twenty-one days of the day of the dismissal, give judgment with respect to any claim for damages or any other claim arising out of the appointment of an interim receiver, including the remuneration of the interim receiver, and may make such further orders as it sees fit.

*Receiving Orders*

76. A receiving order shall set out the nature and dates of the acts of bankruptcy upon which the order is made.

77. (1) When the court appoints a trustee, the registrar shall forthwith mail to the trustee by registered mail a copy of the receiving order.

(2) The trustee shall, upon receipt of a copy of the receiving order, serve upon the bankrupt a copy thereof bearing the endorsement of the official receiver.

78. Notwithstanding anything in these rules, the rights and liabilities of a limited partner in a limited partnership against which a receiving order is made or which makes an assignment shall be determined by the law of the province where the partnership business has been carried on.

79. (1) An application to revoke a receiving order or to stay proceedings thereunder shall not be heard unless notice of the application and copies of the affidavits in support thereof have been served upon the petitioning creditor and the trustee.

(2) Pending the hearing of the application mentioned in subsection (1), the court may make an interim order staying the whole or any part of the proceedings.

**Bankruptcy Act—continued***Assignments*

80. When an official receiver appoints a trustee, he shall certify the appointment in Form 32 and mail a copy of his certificate to the trustee by registered letter.

81. (1) Immediately after the first meeting of creditors, one original copy of the assignment and of Forms 31 and 62 or 63, whichever is applicable, duly attested by the debtor shall be handed by the official receiver to the trustee, who shall give receipts therefor to the official receiver.

(2) The trustee shall, upon receipt of the sworn statement of affairs referred to in paragraph (d) of section 117 of the Act, file one original copy thereof with the official receiver.

(3) The official receiver shall file in court the sworn statement of affairs mentioned in subsection (2) and an original copy of the assignments and Forms 31 and 62 or 63, whichever is applicable.

## PROPOSALS

82. The statement required by paragraph (c) of subsection (2) of section 27 of the Act, showing the financial position of a debtor at the date of his proposal, shall be in Form 61.

83. When a trustee reports to the court any fact that would justify the court in refusing to approve a proposal, an application to the court for the approval of the proposal shall be deemed to be an opposed application within the meaning of paragraph (d) of subsection (1) of section 149 of the Act.

84. The court, when approving a proposal, may correct any error or omission therein that does not constitute an alteration in substance.

## PROPERTY OF THE BANKRUPT

*Contributories to Insolvent Corporations*

85. (1) In this section, "contributory" means a contributory within the meaning of section 46 of the Act.

(2) The trustee may at any time demand in writing that a contributory pay to him within thirty days of the day of the service of the demand any part of the amount the contributory is liable to contribute.

(3) A demand under subsection (2) may be served personally or by sending a copy thereof by registered mail addressed to the contributory at his last known address or at the address shown in or by the stock register or other books of the corporation.

(4) If the contributory disputes liability in whole or in part, he shall within fifteen days from the service of the demand give notice in writing to the trustee setting out the portion of the demand that is disputed and his grounds of defence and he shall not thereafter, except with leave of the court, be permitted to plead in any action or proceeding brought against him by the trustee any other ground of defence.



**Bankruptcy Act—continued**

(5) Where the contributory does not, within thirty days after the day of service of the demand, pay to the trustee the amount demanded or give notice to the trustee disputing the demand, the trustee may take *ex parte* proceedings in the court for the recovery thereof.

(6) Where the contributory gives to the trustee, within thirty days after the day of service of the demand, notice in writing disputing the demand, the trustee may apply to the court for judgment against the contributory on giving the contributory four clear days' notice of the application, and the court may on the hearing of the application

- (a) proceed in a summary way to try the question or issue,
- (b) adjourn the hearing,
- (c) direct and settle any question or issue to be tried between the trustee and the contributory,
- (d) require pleadings to be filed,
- (e) give directions for the trial of the question or issue, or
- (f) make any order in the matter that appears to the court to be necessary or desirable.

(7) Any number of contributories may be included in an application to the court for judgment under subsection (6).

*Settlement and Preferences*

86. Where a trustee or any other person applies to the court to set aside or avoid any settlement, conveyance, charge, obligation, proceeding, transfer, security or payment, or for a declaration for or against the title of the trustee to any property, the court may

- (a) proceed in a summary manner to try the question or issue in the case,
- (b) adjourn the hearing,
- (c) direct or settle any question or issue to be tried,
- (d) give directions for the preparation and filing of pleadings and for the trial of the question or issue, or
- (e) make such further order as the court considers necessary or desirable.

87. Where an application or notice of motion under section 86 relates to land and contains a description of the land and a copy thereof signed by the solicitor of the applicant is filed in the court, a certificate of *lis pendens* may be issued by the registrar and, if the application is refused in whole or in part, a certificate to that effect may be issued.

ADMINISTRATION OF ESTATES

*Meetings of Creditors*

88. Notice of the first meeting of creditors shall be mailed not less than four clear days before the day appointed for the meeting.

89. When a partnership is bankrupt, the creditors of the partnership and of each of the partners shall be convened collectively for the first meeting of creditors.

**Bankruptcy Act**—*continued*

90. A bankrupt who is required by a trustee to attend any meeting of creditors, other than the first meeting, and who resides at a distance of more than ten miles from the place of that meeting is entitled to be paid his reasonable expenses for that attendance.

*Contingent or Unliquidated Claims*

91. (1) When a contingent or unliquidated claim is filed with the trustee he shall, unless he compromises the claim, apply to the court to determine whether the claim is a provable claim and, if so, to value the claim.

(2) Prior to the hearing of an application under subsection (1), the trustee shall file in court a copy of the claim and an affidavit by the trustee, the bankrupt or some other person having knowledge of the claim setting out in detail the available information relating thereto.

(3) Upon the filing of a claim and affidavit pursuant to subsection (2), the court shall determine the matter and for that purpose may receive evidence upon affidavit.

*Proof of Claims*

92. Where the claim of a creditor is admitted, the notice of dividend is sufficient notice thereof to the creditor.

*Disallowance of Proof of Claims*

93. An appeal under subsection (4) of section 94 of the Act shall be by motion to the court.

94. When an issue is before the court, any party thereto is entitled, unless the court otherwise orders, to discovery and production of documents and to examination for discovery, and where on examination for discovery the trustee is unable of his own knowledge to make discovery of all the facts at issue, the bankrupt or any officer or servant thereof may be examined as to the facts in accordance with the rules of the court in civil actions or matters.

95. No trustee is personally liable for costs of an appeal under subsection (4) of section 94 of the Act unless the court finds that he acted in bad faith.

## BANKRUPTS

*Duties of Bankrupts*

96. (1) The official receiver shall, as part of the examination required by subsection (1) of section 120 of the Act, require the bankrupt to answer the questions set out in Form 62 or 63, whichever is applicable, or questions to the like effect and shall cause the answers to be taken down and the form shall be completed or the answers transcribed, as the case may be, in triplicate.

(2) The bankrupt shall sign three copies of Form 62 or 63, as the case may be, as completed or the answers as transcribed under subsection (1), verify the correctness thereof by oath or statutory declaration and comply with the directions of the official receiver in this respect.

(3) A bankrupt who fails to do anything required of him by subsection (2) is guilty of contempt of court.

**Bankruptcy Act—continued**

97. (1) Form 31 shall be completed and sworn in duplicate and Form 61 shall be completed and sworn in quadruplicate.

(2) Where the bankrupt is able at the time of the making of the assignment to supply the information set out in Form 61, that form may be completed in lieu of Form 31.

(3) When a partnership is bankrupt, it shall submit a statement in quadruplicate of its partnership affairs verified by one of the partners or by the manager in charge of the business, and each partner shall submit a statement in quadruplicate of his separate affairs verified personally or, in lieu thereof, an affidavit to the effect that he has no separate assets or liabilities.

*Examination of Bankrupts and Others*

98. Examinations other than those under section 120 of the Act may be held before a registrar or before any person who is qualified or authorized to hold examinations for discovery or examinations of judgment debtors in accordance with the rules of the court in civil actions or matters or before such other person as the court on an application therefor, which may be made *ex parte*, may order.

99. (1) An examination may be held in the bankruptcy district or division in which the person to be examined resides or in which he is served with the appointment for examination or in which he resided or carried on business on the day of the bankruptcy or at such time and place as the court on application may order.

(2) Unless the court otherwise directs, an application under subsection (1) may be made *ex parte*.

100. Where an appointment for an examination is granted, a duplicate copy thereof shall be served upon the person to be examined two clear days before the time of the examination.

*Discharge of Bankrupts*

101. The court may, on an application for the discharge of a bankrupt, cause the bankrupt to be brought before the court for examination.

102. (1) An order of discharge made conditional upon the consent of the bankrupt for judgment to be entered against him by the trustee for the whole or any part of the balance of the bankrupt's debts shall not be signed, completed or delivered until the consent has been given.

(2) The judgment mentioned in subsection (1) shall be entered in the court in the district or division in which the order of discharge is granted.

(3) If the bankrupt does not give the consent mentioned in subsection (1) within ten days of the making of the conditional order, the court may, on the application of the trustee, revoke the order of discharge or make such other order as the court considers desirable.

103 (1) A trustee shall not, without leave of the court, issue execution on a judgment entered pursuant to a conditional order of discharge.

(2) Where a trustee applies to the court for leave to issue execution on a judgment entered pursuant to a conditional order of discharge, the trustee shall give to the bankrupt notice of application for such leave setting out the grounds upon which the application is based.



**Bankruptcy Act—continued**

104. Where a bankrupt applies to the court under subsection (3) of section 129 of the Act to modify the terms of an order granting his discharge, he shall give to the trustee, to the Superintendent and to every creditor who has proved his claim ten days' notice of the time and place of the hearing of the application.

**MISCELLANEOUS**

105. Non-compliance with any of these rules or with any rule of practice shall not render any proceeding void unless the court so directs, but the proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the court considers necessary or desirable.

106. Where a period of less than six days is appointed or allowed for the doing of any act or the taking of any proceeding, days on which the offices of the court are closed shall not be reckoned in the computation of that period.

107. Where the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices of the court are closed, and by reason thereof the act or proceeding cannot be done or taken on that day, the act or proceeding shall, for the purpose of determining the time when the act was done or the proceeding taken, be deemed to be done or taken on the next day on which such offices are open.

108. The rate of levy payable under section 106 of the Act is:

- (a) where the amount of payment is \$1,000,000 or less, one per cent;
- (b) where the amount of payment exceeds \$1,000,000 but is not more than \$2,000,000, one per cent of the first million dollars, plus one-half of one per cent of the amount in excess of \$1,000,000; and
- (c) where the amount of payment exceeds \$2,000,000, one per cent of the first million dollars, plus one-half of one per cent of the second million dollars, plus one-tenth of one per cent of the amount in excess of \$2,000,000.

**Schedule A****TARIFF OF COSTS****INSTRUCTIONS**

INSTRUCTIONS:	\$	cts.
1. For petition or assignment .....	4.00	
2. To present, oppose or attend upon petition .....	4.00	
3. To present, oppose or attend upon application to Court for approval of proposal .....	4.00	
4. To attend on, oppose or defend any issue .....	4.00	
5. To support or oppose a motion or application to Court or Chambers .....	4.00	
6. For any affidavit .....	2.00	
7. For or to answer interrogatories or cross-interrogatories or to examine or attend on any examination of a bankrupt or of any other person .....	4.00	
8. To appeal or to oppose appeal .....	4.00	
9. For any pleading .....	4.00	
10. For any other important step or proceeding in any cause, matter or proceeding not included in the above .....	4.00	

**Bankruptcy Act—continued**

**DRAWING PLEADINGS, ETC.**

**DRAWING:**

11. Statement of claim or defence or any pleadings instructed by the Court or a Judge to be drawn .....	6.00
12. Petition or assignment .....	6.00
13. Proposal .....	6.00
14. Any other document commencing a proceeding not commenced by petition or statement of claim and any document in answer to same .....	6.00
15. Notice of motion, objection or contestation .....	4.00
16. Interrogatories, cross-interrogatories or answer to either of the same, commission, letters rogatory or other document of like nature .....	6.00
17. (a) Affidavit, per folio .....	0.30
(b) Preparing exhibits, per folio .....	0.30
18. For every additional folio over ten, per folio .....	0.20
19. Engrossing the above and for each necessary copy, per folio .....	0.10

**PERUSALS**

**PERUSING:**

20. Statement of claim, defence or other pleading .....	3.00
21. Petition or assignment .....	3.00
22. Issue .....	3.00
23. Any other document commencing a proceeding not commenced by a petition or a statement of claim and any document in answer to same .....	3.00
24. Notice of motion, objection or contestation .....	2.00
25. Affidavit, including exhibits .....	2.00
26. Interrogatories, cross-interrogatories or answer to either of the same, or any other document of a similar nature .....	3.00
27. Notice to produce or admit .....	2.00
28. Any important notice or paper not otherwise mentioned .....	2.00

**PROCESS**

29. Every writ, warrant, certificate of judgment or <i>lis pendens</i> , including instructions, drawing and attendance to issue, register and deliver the same .....	10.00
30. Renewal of process, including instructions, drawing and attendance to issue, register and deliver the same .....	6.00
31. Subpoena <i>ad testificandum</i> .....	1.50
32. Subpoena <i>duces tecum</i> .....	3.00
33. For every additional folio over four .....	0.20

**SERVICES**

34. Service of petition or other document by which any proceeding is commenced .....	\$ 3.00
35. If served at over two miles from nearest place of business or office of solicitor serving same, for each mile beyond two, each way .....	0.30
36. For service out of jurisdiction, such allowance as taxing officer considers proper.	
37. Attending to serve any other document .....	2.00

**BRIEFS**

38. Drawing brief .....	5.00
39. Every additional folio over five .....	0.20

**COPIES**

40. Copies of petitions pleadings, notices, demands, minutes, orders, judgments, appointments, subpoenas and any other document when no other provision is made and copies are properly allowable, per folio, for each copy .....	0.10
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**NOTICES, DEMANDS, ETC.**

41. Notice to admit or produce .....	2.00
42. Appointment for examination of bankrupt or witness or for any other purpose .....	1.00
Engrossing and each copy, per folio .....	0.10
43. Notice of trial, hearing of issue, or summary hearing .....	2.00
44. Every notice under any other statute .....	2.00
45. All other notices and demands not above specified including notices to the <i>Canada Gazette</i> .....	2.00
46. Every folio over three of any of above .....	0.20

**Bankruptcy Act—continued****ATTENDANCES**

47. Attendance consequent on service of notice to produce or admit, or notice under any statute .....	2.00
48. Attendance for special leave to serve notice of motion or to appeal, in the discretion of the taxing officer .....	3.00
49. Consultation with counsel, where proper, in the discretion of the taxing officer, per hour, not to exceed .....	10.00
50. Attending Court or Chambers, per hour .....	10.00
51. To obtain or give undertaking to defend when service accepted by solicitor .....	2.00
52. To file any paper or for any appointment, or to receive, accept or admit service of any paper not otherwise provided for .....	1.00
53. Attending to procure evidence for the trial or petition, in addition to all proper travelling expenses, per hour .....	5.00
54. Every other necessary attendance, per hour .....	5.00
May be reduced or increased in the discretion of the taxing officer.	
55. Attendances, correspondence, etc., incurred through negotiations by a defendant creditor or debtor to gain time, or in the endeavour to compromise or settle the action, petition or proceeding, such allowance as the taxing officer considers proper.	

**LETTERS**

56. Each letter .....	1.00
57. Perusal of each letter .....	1.00
These items may be reduced or increased in the discretion of the taxing officer.	

**BONDS**

58. Upon giving of any bond in any proceeding, including drawing and engrossing same, and all affidavits and copies, and necessary attendances and taking of affidavits in discretion of taxing officer but not to exceed .....	20.00
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**JUDGMENTS OR ORDERS**

59. Drawing minutes of judgment or order .....	3.00
For every folio over five, per folio .....	0.20
60. Engrossing judgment or order, after settlement of minutes, per folio ..	0.10
61. Judgment when no defence and no minutes necessary .....	4.00
62. Appointment to settle or pass judgment or order of Court .....	1.00
63. Attending to settle minutes, per hour, not to exceed .....	10.00
64. Attending to enter judgment .....	3.00
65. Attending for any praecipe order .....	2.00
66. Any praecipe order .....	2.00

**PAYMENT INTO OR OUT OF COURT**

	\$	cts.
67. (a) Instructions to pay into court .....	2.00	
(b) Instructions to obtain moneys out of court .....	2.00	
(c) Praecipe to pay in or obtain out of court .....	1.00	
(d) Attending for direction .....	3.00	
(e) Attending for cheque to pay in .....	2.00	
(f) Attending to pay or receive cheque in payment out .....	2.00	
(g) Praecipe for certificate of account .....	1.00	
(h) Attending for certificate of account .....	2.00	
(i) Drawing receipt or certificate of bank as to payment in or non-payment in .....	1.00	
(j) Attending to enquire at bank and for certificate .....	2.00	

**TAXATION OF COSTS**

68. Drawing bill of costs for taxation, per folio .....	0.30
69. Engrossing and each copy to serve, each per folio .....	0.10
70. Notice of taxation or appointment to tax .....	1.00
71. Every copy, per folio .....	0.15
72. Attending on taxation, per hour, not to exceed .....	10.00



**Bankruptcy Act—continued**

**COUNSEL FEES**

**SETTLING:**

	\$	cts.
73. (a) Statement of claim, defence, or any other pleading .....	10.00	
(b) Petition .....	10.00	
(c) Special notice of motion .....	10.00	
(d) Interrogatories or answers to same .....	10.00	
(e) Cross-interrogatories or answers to same .....	10.00	
(f) Issue .....	10.00	
(g) Application in connection with any proposal .....	10.00	
(h) Any other document or proceeding of like nature to any of the above Any of the above may be reduced or increased in the discretion of the taxing officer.	10.00	
74. Attendance of counsel on examination for discovery, cross-examination on affidavits, examination of witness on motion, examination of wit- ness de bene esse, examination of bankrupt, or any similar examina- tion, per hour, not to exceed .....	10.00	
75. Consultation with solicitor or client where proper, in the opinion of the taxing officer, per hour, not to exceed .....	10.00	
76. Advising on evidence .....	10.00	
May be reduced or increased in the discretion of the taxing officer.		
77. On opposed motion before a Judge .....	40.00	
May be reduced or increased in the discretion of the taxing officer.		
78. On ex parte motion or application before a Judge .....	20.00	
79. Attendance on opposed motion or application to Registrar .....	20.00	
80. On ex parte motion or application to Registrar .....	15.00	
Both of above items may be increased in the discretion of the taxing officer.		
81. Attendance on adjournment before a Judge, when opposed .....	15.00	
82. Attendance on adjournment before a Judge, when unopposed .....	10.00	
83. Attendance on adjournment before Registrar .....	5.00	
84. Counsel fee with brief on—		
(a) Petition .....	75.00	
(b) Trial .....	75.00	
(c) Application for approval of proposal .....	75.00	
(d) Trial of issue .....	75.00	
(e) Summary hearing .....	75.00	
(f) Application for discharge by trustee or bankrupt, when opposed May be reduced or increased in the discretion of the taxing officer.	75.00	
For second counsel, where allowed by a Judge, two-thirds of the fees allowed under this item to first counsel.		
85. Counsel fee for services rendered in or out of Court in settling or com- promising a claim or proceedings or endeavouring to do so is in the discretion of the taxing officer and may be calculated by way of commission or percentage on amount recovered or defended or on value of property concerned or such other basis as the taxing officer considers proper.		
86. Where fees or allowances are in the discretion of the taxing officer or may be reduced or increased in his discretion, he shall have regard to all the circumstances including the importance of the matter, the time occupied, the general conduct and success of the proceedings, the competence exhibited and the preparation of any written argument required.		
87. The taxing officer may, in his discretion, allow fair and reasonable fees and allowances for necessary and proper services rendered by solici- tors and counsel for which no fees or allowances are provided by the tariff.		

**SOLICITORS' FEES ON COLLECTION OF ACCOUNTS**

88. Claims collected after notice or demand as a whole or in instalments:	
on first \$300, or less .....	20%
on excess over \$300, up to \$1,000 .....	12%
on over \$1,000 .....	7%
minimum charge \$5.	
on claims less than \$10, charge not to exceed one-half the claim.	

**WITNESS FEES AND ALLOWANCES**

89. Fees and allowances as in the county or district court or cour de magistrat.	
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**Bankruptcy Act—continued****FEES OF COURT OFFICERS****REGISTRAR**

1. Filing and issuing petition for receiving order, including sealing thereof and copy .....	3.00
2. Filing and approving every bond under Rule 18, including affidavits; or memorandum as to payment into court, including such payment in.....	3.00
3. Considering petition for receiving order .....	5.00
4. Considering application to approve proposal .....	5.00
5. Considering application for order of discharge .....	5.00
6. Making any order .....	2.00
7. Filing any notice of motion .....	2.00
8. Filing affidavit .....	0.50
9. Issuing of subpoena or warrant including sealing thereof and one copy.....	1.00
10. Issuing certificate of his pendens .....	2.00
11. Filing copy of statement of affairs .....	1.00
12. Filing any written objection in a proceeding .....	2.00
13. Filing any other document or proceeding .....	0.50
14. Making copies or certified copies of any document or proceeding, per folio .....	0.25
15. Taxing and certifying costs, per hour .....	5.00
16. Hearing of any other matter pursuant to Section 149, per hour .....	5.00
No fee to be charged for searching in office of Registrar except search for a document filed more than five years previously, in which case there may be charged a fee of .....	1.00
No fee to be charged for fixing dates for meetings of creditors or the hearing of applications.	
In proceedings under Summary Administration the above items, where applicable, shall be reduced by one-third.	
No fee to be charged for filing any document required by the Act or rules to be filed by the official receiver.	

**BAILIFF**

1. Serving petition, subpoena, order or other process including affidavit of service .....	2.00
2. Mileage one way, per mile .....	0.20
3. Fee for retaining any person in custody, per day .....	5.00

**OFFICIAL RECEIVER**

1. On filing of assignment and statement of affairs in form 31 .....	1.00
2. On appointment of trustee and notification of appointment .....	1.00
3. On filing of statement of affairs in form 61, if filed separately .....	1.00
4. On examination of bankrupt and completion of form 62 or 63 .....	5.00
5. On presiding at first meeting, if attending in person .....	5.00
6. On filing of any bond .....	2.00
7. On report to the Court under Section 163 .....	4.00
8. On filing of proposal under Section 27(1) (a) .....	1.00
9. For certificate under Section 167(2) .....	1.00
No fee to be charged for filing any document not required by the Act or rules to be filed with the Official Receiver.	

**SCALE OF TRUSTEE'S DISBURSEMENTS**

The trustee shall be entitled to be paid his disbursements, and in taxing such disbursements the taxing officer may allow as disbursements the following:

1. For taking possession, verifying the bankrupt's statement of affairs, and making an inventory of his assets and a list of his liabilities:

The actual disbursements of the trustee in connection with the said work.

2. For preparing and mailing to all creditors the following documents:

- (a) notice of first meeting,
- (b) documents accompanying notice of first meeting,
- (c) explanatory circular letter,
- (d) statement of assets and liabilities,
- (e) Minutes of first meeting or synopsis thereof,
- (f) interim report from statement.
- (g) notice of application for discharge,
- (h) notice of application to pass accounts,
- (i) statement of receipts and disbursements,
- (j) dividend sheet,
- (k) other documents necessary or desirable in the opinion of the taxing officer to inform the creditors,

# **Bankruptcy Act—concluded**

the cost of printing plus postage or if it is less,

- (l) on the first 100 notices and other documents, 7 cents per folio;
- (m) on the next 200 notices and other documents, 5 cents per folio;
- (n) on any excess over 300 notices and other documents, 2 cents per folio;

plus postage.

## **3. Printed proof of debt and proxy forms at cost.**

Where the Court considers that the amount of remuneration allowed to the trustee is sufficient to compensate him adequately for all services rendered to the estate, the Court may disallow the foregoing disbursements either in whole or in part.

Where a court officer performs a service for which no fee is provided in this tariff, the court may allow a fee in an amount equal to the fee in this tariff for the service most nearly analogous or comparable to the services rendered, or where no fee can be found herein applicable to the particular service rendered, according to the tariff in effect in other civil matters in the court.

No disbursements are payable to trustees in respect of

- (a) collection notices,
- (b) notices of sale,
- (c) notices under section 108,
- (d) notices respecting goods in storage,
- (e) notices of stay of proceedings,
- (f) any other notice that is not sent to all creditors .

## **Schedule B—Forms**

NOTE: Copies of the Forms contained in Schedule B may be obtained on application to the Superintendent of Bankruptcy, Department of Justice, Ottawa.

## **BLIND PERSONS ACT. (R.S.C., 1952, c. 17)**

### **Blind Persons Regulations**

P.C. 1955-49

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and pursuant to the Blind Persons Act, is pleased to order as follows:

1. The Blind Persons Regulations, established by Order in Council P.C. 6595 of 6th December, 1951, are hereby revoked, effective January 1, 1955; and

2. The annexed "Blind Persons Regulations" are hereby made and established, effective January 1, 1955, in substitution for the regulations hereby revoked.

### **THE BLIND PERSONS REGULATIONS**

#### *Short Title*

1. These regulations may be cited as the *Blind Persons Regulations*.



**Blind Persons Act—continued***Interpretation*

2. (1) In these regulations,
  - (a) "Act" means the *Blind Persons Act*;
  - (b) "Director" means the Director of Blind Persons Allowances of the Department of National Health and Welfare; and
  - (c) "personal property" includes the immediate realizable value of the amount remaining to be paid to a recipient or his spouse under a mortgage or agreement for sale, the proceeds of insurance received by a recipient or his spouse and the cash surrender value of life insurance available to a recipient or his spouse.
- (2) For the purpose of the Act and these regulations, a person shall be deemed to be "blind" only when the visual acuity of such person, after correction through the use of proper refractive lens, is not more than 6/60 Snellen or the field of vision in each eye of such person is reduced to less than ten degrees.

*Notices*

3. (1) Any notice or other document required or authorized to be sent or delivered for the purposes of these regulations shall be in writing.
- (2) Any notice or other document required or authorized to be sent or delivered to any person by the provincial authority for the purposes of these regulations shall be deemed to be duly sent or delivered at the time when the notice or document is posted to that person at his ordinary address.

*Applications*

4. (1) An application for an allowance may be made by any person who alleges that he has attained the age of twenty years and six months and that he is a blind person.
- (2) An application shall be deemed to have been made only when an application form completed by, or on behalf of, an applicant is actually received in the office of the provincial authority for the province in which the applicant resides.
- (3) The provincial authority may prescribe the form or contents of an application, but every application shall state
  - (a) the full name of the applicant including, in the case of a married woman, her full maiden name, and, in the case of an applicant who has changed his name, the name before such change was made;
  - (b) the present address of the applicant, his place and date of birth and place or places of residence during the ten years preceding the date of the application and, if he is married, the name and the place and date of birth of his spouse;
  - (c) the sex and particulars of the marital status of the applicant and, in the case of an unmarried person with a dependent child or children, the names and ages of such children, and, in the case of a married person, whether he is living with his spouse and whether such spouse is sighted or blind;
  - (d) the occupation, income and means of subsistence of the applicant and his spouse;

**Blind Persons Act**—*continued*

- (e) the time at which the applicant first considered himself to be a blind person, and the cause of his impaired vision, if known;
- (f) particulars of any real or personal property apart from household furnishings and personal effects owned by the applicant or his spouse at the date of application; and
- (g) particulars of any real or personal property which the applicant or his spouse transferred to any person or persons within the five years preceding the date of application.

(4) Every application shall be supported by a statutory declaration of the applicant or the person making the application on behalf of the applicant to the effect that all the statements in the application are true to the best of his knowledge and belief and that no information required to be given has been concealed or omitted.

(5) Every provincial authority shall supply, without charge, a form of application to any person who desires to make an application and, if so requested, shall give all information and assistance possible in completing the application.

(6) All applications and accompanying documents received by any person other than the provincial authority shall be forwarded to the provincial authority.

(7) Any person who immediately prior to the date that an allowance is payable in a province pursuant to an agreement made under section 3 of the Act is in receipt of a pension in respect of blindness pursuant to section 8A of the Old Age Pensions Act, Chapter 156, Revised Statutes of Canada, 1927, shall be deemed to be a person who has fulfilled the requirements of the Act and these regulations, and, notwithstanding the provisions of the preceding subsections of this section and of sections 5, 6, 7 and 10(1), the provincial authority may regard such person as a person who has made application for an allowance and who has fulfilled the requirements of the Act and these regulations, and, without further investigation or examination, may approve the application made by such person under the Old Age Pensions Act as an application made under the Act and these regulations and determine the rate of allowance accordingly.

*Investigation and Medical Examinations*

5. (1) The provincial authority shall, in respect of each application, cause an investigation to be made into the facts and circumstances as therein set out, and such investigation shall include a report respecting the physical activities that the applicant is able to perform without assistance and such other matters as may be necessary to determine the eligibility of the applicant for an allowance.

(2) The investigation required by subsection (1) shall be made not sooner than four months before the date of the proposed commencement of the allowance, but where the person making the application is resident in a part of Canada that is accessible only at a certain time or times of the year the period of four months may be extended by the provincial authority to not more than six months.

**Blind Persons Act—continued**

(3) Where an investigation required by subsection (1) discloses that the applicant, subject to proof of blindness, is eligible for an allowance, the provincial authority shall

- (a) forward to the Minister the full name and address of the applicant,
- (b) certify to him that the applicant has fulfilled the conditions set out in subparagraphs (ii) and (iii) of paragraph (a) and paragraphs (b) and (c) of subsection (2) of section 3 of the Act, and
- (c) furnish to the Minister a copy of the portion of the investigation report dealing with the physical activities that the applicant is able to perform without assistance.

6. (1) When the information required under section 5 is forwarded to the Minister, the provincial authority shall arrange with an oculist who has been approved by the Minister for the examination of the applicant and shall notify the applicant accordingly, and, prior to the examination, the provincial authority shall forward to the oculist a copy of the portion of the investigation report dealing with the physical activities that the applicant is able to perform without assistance; the expenses of such examination, other than the cost of transportation and living expenses of the applicant incidental to such examination, may be paid out of moneys appropriated therefor by Parliament.

(2) The oculist shall conduct an examination as required by these regulations and in accordance with any instructions given by the Minister to whom he shall forward a report thereof on forms provided for that purpose.

(3) Upon receiving the report mentioned in subsection (2), the Minister shall issue a certificate stating, *inter alia*,

- (a) whether or not the applicant is blind within the meaning of the Act and these regulations;
  - (b) whether or not the applicant is likely to continue to be blind within the meaning of the Act and these regulations; and
  - (c) the times at or before which additional medical examinations, if any, should be made to ascertain that the applicant continues to be blind within the meaning of the Act and these regulations,
- and forward this certificate to the provincial authority.

7. Where the Minister has received satisfactory information that the applicant is blind within the meaning of the Act and these regulations, he may dispense with the examination required by section 6 and forthwith issue the certificate as provided by subsection (3) thereof.

8. The Minister may, at any time, require an applicant or recipient to report for medical examination and to furnish such information as he or the provincial authority may from time to time require.

9. (1) Where an application has been approved and the allowance is being paid or is suspended for the purpose of recovering an overpayment, the provincial authority shall, at least once in each year, cause an investigation to be made into the circumstances of the recipient to determine whether such recipient continues to be eligible, or whether he has again become eligible, and the amount of allowance to which he may be entitled, and where such annual investigation is made more than three months prior to the transfer of the recipient to old age security, the provincial authority shall make a terminal investigation at the time of such transfer;

**Blind Persons Act—continued**

the report of the investigator shall include a description of the physical activities that such recipient is able to perform without assistance at that time and, except in the case of a terminal investigation, a copy of the report or the portion that deals with the physical activities that the recipient is able to perform without assistance shall be forwarded to the Minister.

(2) Before altering the rate of allowance being paid to a recipient or before suspending an allowance or reinstating an allowance which has been suspended, the provincial authority shall cause an investigation to be made into the circumstances of the recipient; but the provincial authority, in any individual case, may, in lieu of such investigation, make such inquiry and obtain such information as it deems adequate.

(3) The report of any investigation or inquiry made shall be filed with the application and shall be available at any time for inspection by officials of the Government of Canada.

(4) An investigation required by this section shall be made by an investigator in the employ of the provincial authority or the provincial government or by a duly authorized representative of any other agency if such representative is recommended by the provincial authority and approved by the Minister, and such investigator or representative, as the case may be, shall, in the course of such investigation, personally interview the recipient.

*Grant of Allowance*

10. (1) No allowance shall be granted or paid until the Minister has certified that the applicant is blind within the meaning of the Act and these regulations.

(2) Where an applicant is certified as blind as provided by section 6 or 7 and is otherwise eligible for an allowance, the provincial authority shall determine the rate thereof and approve the application accordingly; but if the provincial authority is not satisfied that the applicant is blind within the meaning of the Act and these regulations, it may, notwithstanding the certificate, refuse to approve such application but shall, in such event, advise the Minister giving the reasons therefor.

(3) No person other than the provincial authority shall approve or reject any application or alter the rate of allowance.

*Age*

11. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards age, the applicant shall forward to the provincial authority a certificate of birth or of baptism or, if neither certificate is obtainable, shall forward any other documentary evidence that he may have or be able to obtain from which his age may be determined.

(2) If the provincial authority is satisfied that the applicant is unable to furnish or obtain satisfactory evidence as to his age as provided in subsection (1) and the provincial authority itself is unable to obtain such evidence, it shall endeavour to obtain information from other sources and, in the case of an applicant who alleges he was born in Canada, it shall, if records for the period in question are available in the province where he alleges he was born, request the registrar of vital statistics in that province to make a search for information as to his age.



**Blind Persons Act—continued**

(3) If the provincial authority is unable to obtain information as provided in subsections (1) and (2), it may request the Dominion Bureau of Statistics to make a search of the census records for information as to the age of the applicant, subject to the following conditions:

- (a) any request for census information as to age shall be made in the form of an application prescribed by the Dominion Statistician which shall bear or be accompanied by the signed consent of the person concerning whom the information is sought, and shall provide such specific information as may be required for the purpose of making a search in the census records; and
- (b) any information supplied by the Dominion Bureau of Statistics shall be confidential and shall not be used for any purpose other than that of establishing the age of the applicant as required under the Act, the *Old Age Assistance Act*, the *Disabled Persons Act*, or the *Old Age Security Act*, as the case may be.

(4) If, after thorough search and inquiry, the provincial authority is unable to obtain from the applicant, or elsewhere, satisfactory and sufficient documentary evidence as to his age it may, with the consent of the Director, submit the question of the age of the applicant, together with any documentary or other evidence that it may have obtained relevant thereto, to a tribunal provided for by this section for a decision as to whether or not the applicant has attained the age of twenty-one years.

(5) The tribunal shall consist of a member designated by the provincial authority, a member designated by the Director and a third member, who shall be a disinterested person and who shall act as chairman, chosen by the other two members.

(6) The tribunal shall in all cases see and interview the applicant and, in deciding upon whether the applicant has attained the age of twenty-one years, shall be entitled to take into account any fact, circumstance or evidence, documentary or other, including physical characteristics of the applicant, relevant to the determination of the issue.

(7) The decision of the tribunal shall be the decision of the majority thereof and, subject to rebutting evidence being obtained at any time, any decision reached in accordance with the procedure provided in subsections (4) to (6) shall be final and conclusive of whether or not the applicant has attained the age of twenty-one years.

(8) Except as provided in subsection (7), the provincial authority shall not be bound to accept any evidence respecting the age of a recipient as final and conclusive, and any evidence submitted to or obtained by the provincial authority as proof of age may be rebutted at any time.

12. For the purpose of determining the age of a child of a recipient, regard may be had to the documents or other evidence mentioned or referred to in section 11.

13. For the purpose of determining whether a child of a recipient is prevented from earning a livelihood by reason of physical or mental incapacity, the provincial authority shall be guided by a certificate of a duly qualified medical practitioner.

**Blind Persons Act—continued**

*Marital Status*

14. For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards marital status, the provincial authority may accept a certificate of marriage or, if no such certificate is procurable, such other evidence corroborative of the statement of the applicant or his spouse as it deems satisfactory.

*Residence*

15. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards residence in Canada or in a province, the provincial authority may take into account, together with any other evidence that it may be able to obtain, a statutory declaration made by any reliable and disinterested person covering such facts as to which such person has personal knowledge.

(2) For the purposes of the Act and these regulations, residence and presence in Newfoundland prior to the date of union of Newfoundland with Canada, shall respectively be deemed to be residence and presence in Canada.

16. (1) Intervals of absence of an applicant from Canada during the ten years immediately preceding the date of the proposed commencement of allowance which are of a temporary nature and which, when totalled and averaged, do not exceed sixty days a year, shall be deemed not to have interrupted the residence in Canada of such applicant during such period, and the provisions of this subsection shall not apply in respect of cases coming within the provisions of subsections (2) to (6) both inclusive.

(2) If an applicant, while a resident of Canada, has temporarily absented himself therefrom for the purpose of engaging in

- (a) employment on a ship or on a fishing boat,
- (b) employment on trains running out of Canada operated by any railway company having its head office in Canada,
- (c) seasonal employment, such as lumbering or harvesting, for not more than six months in any one year,
- (d) employment by or as a representative of a Canadian firm or corporation, or while he was himself a member of such a firm or corporation,
- (e) employment by the United Nations or one of its specialized agencies, or
- (f) missionary work with any religious group or organization,

and, at the termination of such employment, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence if, during the period thereof, he had in Canada a permanent place of abode to which, whenever he was absent therefrom, he had the intention of returning, or he maintained in Canada, a self-contained domestic establishment.

(3) If an applicant, while a resident of Canada, has temporarily absented himself therefrom

- (a) while he was employed and paid by the Government of Canada or any province,

**Blind Persons Act—continued**

- (b) during the first or second world war while he was a member of the forces of any country allied with Canada or was engaged in work in connection with the prosecution of any such war for Canada or its allies, or
- (c) pursuant to or in connection with the requirements of his duties as a member of the armed forces of Canada,

and, at the termination of his duties abroad, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence.

(4) An applicant who is a married woman or a widow and, while a resident of Canada, was absent from Canada with her husband while he was absent from Canada in any of the circumstances provided for by subsection (2) or (3), shall, during the period of such absence with him, be deemed to have continued to reside or to have been present in Canada during such absence.

(5) An applicant who, while a resident of Canada and while under the age of twenty-one years, was absent from Canada with his father or mother who was absent therefrom under any of the circumstances provided for in subsections (2) or (3) shall, during the period of such absence with his father or mother, be deemed to have continued to reside or to have been present in Canada.

(6) Where an applicant was temporarily absent from Canada and was unable to return to Canada due to the dislocation of transportation facilities during or immediately following the second world war, such applicant shall be deemed to have continued to reside or to have been present in Canada for the period of absence between the date such applicant, his spouse or his parent, as the case may be, made application to the proper authority for transportation to Canada and the date of the actual return of the applicant thereto.

*Income*

17. (1) For the purpose of the Act and these regulations, "income" includes the net amount or value of all income, gratuities and contributions received, whether in cash or in kind, and without restricting the generality of the foregoing,

- (a) any allowance paid under the Act;
- (b) any assistance paid to a spouse under the *Old Age Assistance Act*;
- (c) any allowance paid to a spouse under the *Disabled Persons Act*;
- (d) any pension paid to a spouse under the *Old Age Security Act*;
- (e) income from any interest in real or personal property as determined under section 18; and
- (f) the value of board and lodging, or board or lodging furnished free of charge, or for which a nominal charge is made, as determined under section 19.

(2) Notwithstanding subsection (1), an agreement with a province under section 3 of the Act may, at the request of such province, provide that all or any of the following, namely,

- (a) mothers' allowances paid pursuant to provincial legislation;
- (b) family allowances paid pursuant to the *Family Allowances Act*;

**Blind Persons Act—continued**

- (c) cost of living allowances or supplemental allowances paid by any province to any person in receipt of an allowance under the Act or assistance under the *Old Age Assistance Act* or an allowance under the *Disabled Persons Act*, or a pension under the *Old Age Security Act*;
- (d) pay allotted or assigned by a member of the Canadian Forces serving on active service, where no dependents allowance has been awarded in respect of the recipient or the spouse of such recipient;
- (e) direct relief in an amount considered reasonable by the provincial authority if paid out of moneys provided only by the municipality or the province in which the recipient resides, or by both, or by a charitable organization incorporated or registered under a law of a province or of the Parliament of Canada;
- (f) casual gifts of small value;
- (g) contributions other than for ordinary maintenance to recipients or to the spouses of recipients who require special care;
- (h) any amount considered reasonable by the provincial authority received by a recipient or by the spouse of a recipient who is blind within the meaning of the Act for the purpose of obtaining the services of a guide; and
- (i) the income value determined as provided in section 18 from an amount up to five hundred dollars of the amount of the cash surrender value of life insurance that is available to a recipient or his spouse,

shall not be included in the calculation of income under subsection (1), and income in such province shall be calculated accordingly.

18. For the purpose of determining the amount that shall be deemed income from any interest in real or personal property of a recipient, or, in the case of a married recipient living with his spouse, of the recipient and his spouse, whether owned or deemed to be owned by the recipient or his spouse at the date of the proposed commencement of the allowance, or acquired subsequent thereto, the provincial authority shall

- (a) as regards real property
  - (i) that is used as a residence by the recipient and from which no revenue is derived, consider as income an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value thereof; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;
  - (ii) that is used as a residence by the recipient and from which the recipient derives a revenue from any use or occupation thereof, consider as income the net revenue so derived (provided that where such revenue is derived from the rental



**Blind Persons Act—continued**

of rooms, not less than fifty per cent thereof shall be deemed to be net revenue) together with an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value of the portion thereof occupied by the recipient; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;

- (iii) that is revenue bearing and is not used as a residence by the recipient, consider as income the net revenue therefrom after deducting reasonable and necessary expenses of maintenance other than any payment of principal on any mortgage or agreement for sale thereon;
  - (iv) that is not revenue bearing or from which a nominal revenue is derived and is not used as a residence by the recipient, consider as income the net revenue that, in the opinion of the provincial authority, such property should or might reasonably be expected to yield;
- (b) as regards personal property
- (i) of an unmarried recipient or a married recipient not living with his spouse, consider as annual income during the lifetime of the recipient the amount of an Immediate Canadian Government Annuity, Ordinary Life Plan, payable monthly, purchasable with the proceeds of the personal property owned by such recipient and calculated as of the actual age of such recipient;
  - (ii) of a married recipient living with his spouse, subject to subparagraph (iii), consider as annual income during the lifetime of and in respect of each spouse the amount of annuity purchasable with one-half the proceeds of the personal property jointly and severally owned by the recipient and his spouse and calculated as of the actual age of each;
  - (iii) of a married recipient living with his spouse who is or becomes a recipient of assistance under the *Old Age Assistance Act*, consider as income during the period that the spouse is in receipt of assistance thereunder an amount calculated as provided in paragraph (b) of section 12 of the regulations under that Act and thereafter an amount calculated as provided in subparagraph (i) or (ii) of this paragraph as the case may be on the value of the personal property owned at such time.

19. (1) Where board and lodging or board or lodging is provided free to a recipient or for a nominal amount, the provincial authority shall consider as income of the recipient, and, in the case of a recipient who is married and living with his spouse, of the recipient and his spouse, an

**Blind Persons Act—continued**

amount that, in its opinion, is a fair and reasonable charge therefor, but which shall, in no case, be less than the amounts respectively hereinafter set forth—

	<i>Unmarried recipient</i>	<i>Married recipient</i>
Lodging .....	\$10.00 monthly	\$15.00 monthly
Board .....	20.00 monthly	30.00 monthly
Board and lodging .....	30.00 monthly	45.00 monthly

(2) Where board and lodging or board or lodging is provided to the recipient for a nominal amount, the provincial authority, in fixing an amount as provided in subsection (1), may deduct therefrom such nominal amount if satisfied that the recipient is actually paying the same.

*Transfer of Property*

20. (1) Where a recipient or his spouse, has, within the five years preceding the date of application or subsequent to such date, made an assignment or transfer of real or personal property, such recipient shall furnish to the provincial authority full particulars concerning such assignment or transfer.

(2) The provincial authority, from the particulars so furnished, shall determine whether or not the consideration for such assignment or transfer was inadequate or whether such assignment or transfer was made by such recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law.

(3) Where, from the particulars so furnished or in the absence of satisfactory particulars being furnished, the provincial authority is of the opinion that the consideration for an assignment or transfer of property was inadequate or that such assignment or transfer was made by a recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law, the provincial authority shall consider as income from such property an amount calculated as provided in section 18 in the case of property owned by a recipient or his spouse at the date of the proposed commencement of allowance.

21. (1) Where the recipient or his spouse re-converts into real property, personal property derived from the sale of real property held at the time an allowance was granted, the provincial authority may, in lieu of calculating as income of such recipient as provided in paragraph (b) of section 18, the value of the personal property so re-converted, consider as income an amount respecting the newly acquired real property calculated as provided in paragraph (a) thereof.

(2) Where an exchange of property under subsection (1) is not wholly for cash, the face value of any mortgage receivable or agreement for sale and the income therefrom may be offset by the face value of any mortgage payable or agreement for sale and the interest payable thereon, but the provincial authority shall take into account any excess value or income receivable by the recipient.

**Blind Persons Act—continued***When Allowance Shall Commence*

22. (1) Subject to subsection (2), an allowance shall be payable in arrears from the first day of the month following the month in which the recipient attains the age of twenty-one years or from the first day of the month following the month in which his application is approved, whichever is the later.

(2) Where an application is approved after the last day of the month in which it was received by the provincial authority, and delay in such approval resulted from circumstances wholly beyond the control of the recipient, the provincial authority may, in its discretion, declare that such approval shall be effective as of an earlier date which shall be a date after the recipient attains the age of twenty-one years and which shall in no case be earlier than the date of the receipt of the application by the provincial authority or a date not more than four months prior to that on which approval is given, whichever is the later; provided, however, that in any case where delay in such approval is attributable to the fact that the recipient is resident in a part of Canada that is accessible only at a certain time or times of the year or to delay in the receipt by the provincial authority of the certificate required by subsection (3) of section 6 and section 7, the period of four months herein mentioned may be extended to not more than six months.

(3) No allowance which has been suspended for a period in excess of six months shall be reinstated without first obtaining a certificate under section 6 or 7.

(4) Where an allowance is suspended at the request of a recipient the same shall not be reinstated prior to the date on which the provincial authority is requested in writing by such recipient or by some person acting on behalf of such recipient to do so.

(5) Except in the case of a recipient residing in the Northwest Territories, no recipient shall be paid an allowance for any period exceeding one month during which such recipient receives direct relief out of moneys paid in whole or in part by the Government of Canada.

*Manner Payable*

23. An allowance shall be paid by cheque or other instrument in a form approved by the province.

*Payment to Trustees*

24. (1) Where a recipient is incapacitated through infirmity, illness or any other cause, and is unable to look after his own affairs or, if the provincial authority considers that the recipient is using or is likely to use his allowance otherwise than for his own benefit, the provincial authority may pay the allowance to a trustee appointed by it to be expended for the benefit of the recipient.

(2) Any trustee appointed under subsection (1) may be removed by the provincial authority or may resign and the provincial authority may appoint another trustee in his place.

(3) Any trustee appointed under subsection (1) or (2) shall, when required by the provincial authority, make returns showing the amount of the allowance received, the amount that has been expended for the benefit of the recipient and the balance remaining in the hands of the trustee.



**Blind Persons Act—continued**

(4) Subject to subsection (1), where the trustee appointed under subsection (1) or (2) is an officer or employee of an institution in which a recipient is being maintained, the provincial authority may authorize the trustee to pay to such institution such proportion of the allowance as is considered by the provincial authority to be a reasonable sum for the maintenance of the recipient, but shall require the trustee to make available to the recipient an amount which it considers reasonable for his personal use.

*Suspension of Allowance*

25. (1) The payment of an allowance shall be suspended
  - (a) during the absence of a recipient from Canada, but the provincial authority may, if satisfied that the circumstances so justify, pay the allowance for any period of absence not exceeding a total of ninety-two days in the twelve-month period preceding the return of the recipient to Canada,
  - (b) while a recipient is serving any sentence of imprisonment that exceeds thirty days, provided, that where the sentence of imprisonment exceeds thirty days, the provincial authority may, on the release of the recipient, reinstate the allowance from a date not more than one month prior to the date of release, and
  - (c) during the period that a recipient neglects or refuses to comply with the provisions of the Act and these regulations or to furnish any information that he is required to furnish pursuant thereto.

(2) A provincial authority shall recover from a recipient any sum improperly paid by way of allowance whether such sum was paid as the result of non-disclosure of facts, misrepresentation or any other cause, and, if the provincial authority is unable to recover the whole of such sum, the provincial authority shall suspend the payment of the allowance of such recipient until the aggregate amount of the suspended payments equals the sum improperly paid less any amount that has been recovered prior to such suspension; provided that where the recipient has not been guilty of fraud or misrepresentation the provincial authority, in its discretion, may reduce the allowance by an amount of not less than five dollars each month, so that recovery of such overpayment will be made in full within a period of not more than five years or prior to the recipient reaching the age of seventy years, whichever is the sooner.

*Increase or Reduction of Allowance*

26. The provincial authority shall require a recipient to report forthwith any increase or reduction in his income or real property or the income or real property of his spouse and to furnish particulars of any personal property acquired by him or his spouse after the date of his application.

27. Any recipient who desires to apply for an increase in the amount of the allowance to which he may be entitled under the Act, shall notify the provincial authority and shall furnish all necessary information.

*Accounting*

28. Any sums due by Canada to a province in settlement of Canada's share of the net amount expended by the province in payment of allowances shall be ascertained as of the last day of each month, shall be audited by the provincial auditor and shall be paid on the certificate of the provincial auditor as soon thereafter as possible, subject to final audit



**Blind Persons Act—concluded**

by officials of the Government of Canada; the accounts submitted by the provincial authority for the purpose of reimbursement shall contain such information as the Minister may require.

29. In calculating the amount due by Canada to a province no account shall be taken of any sums that, under the provisions of the Act, the province is liable to reimburse another province or to be reimbursed by another province in respect of allowances granted therein or in such other province, nor shall any account be taken of the cost of administering or paying allowances.

30. In calculating the amount in respect of which any province is entitled to be reimbursed by another province under the provisions of the Act, regard shall be had only to the net amount of allowances paid by the province to be reimbursed after deducting therefrom the amount payable by Canada on account of such allowances.

31. Balances due by one province to another province under the provisions of the Act shall be settled monthly as of the same date as the sums due by Canada are payable.

32. The amount recovered by a provincial authority from a recipient or from the estate of a deceased recipient in respect of any allowance shall be distributed between the province responsible for payment of the provincial share of the allowance and Canada in accordance with the amount of any such allowance respectively paid by each.

**CANADA DAIRY PRODUCTS ACT. (R.S.C., 1952, c. 22)****Canada Dairy Products Regulations**

P.C. 1954-1719

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and by virtue of the powers conferred by the Canada Dairy Products Act, is pleased to order as follows:

1. The Canada Dairy Products Regulations, established by Order in Council P.C. 3461 of 15th July, 1952, are hereby revoked; and

2. The annexed "Canada Dairy Products Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**THE CANADA DAIRY PRODUCTS REGULATIONS***Short Title*

1. These regulations may be cited as the *Canada Dairy Products Regulations*.

**Canada Dairy Products Act—continued**

*Interpretation*

2. (1) In these regulations,
  - (a) "Act" means the Canada Dairy Products Act;
  - (b) "brand" means any mark, stencil, stamp, label or writing placed on any dairy product;
  - (c) "cheddar cheese" means cheese made by the cheddar process from matted and milled curd, obtained by the action of rennet or other coagulating agent on whole milk to which no skim milk has been added or from which no milk fat has been removed;
  - (d) "creamery" means a place licensed or approved under the laws of a province for the manufacture of butter;
  - (e) "creamery butter" means butter manufactured in a creamery exclusively from milk, cream separated from milk or both, and with or without added water, colouring matter or common salt;
  - (f) "dairy butter" means butter, other than whey butter, made on a farm or at a place not licensed or approved as a creamery under the laws of a province;
  - (g) "fat" means any fat or oil, whether animal, vegetable, marine or mineral origin;
  - (h) "grade name" means a grade name established by these regulations;
  - (i) "ice cream mix" means the unfrozen pasteurized mixture from which ice cream is made;
  - (j) "milk fat" means the fat of cow's milk and which has
    - (i) a specific gravity not less than 0.905 at a temperature of forty degrees centigrade,
    - (ii) a tocopherol content not greater than fifty micrograms per gram as determined by the official method prescribed by the Food and Drugs Act and regulations thereunder,
    - (iii) a Reichert-Meissl Number not less than twenty-four and
    - (iv) a Polenske Number not exceeding ten per cent of the Reichert-Meissl Number and in no case shall the Polenske Number exceed 3.5;
  - (k) "package cheese" means process cheese or the product resulting from the comminuting and mixing of one or more lots of cheese without the aid of heat or emulsifying agents;
  - (l) "permitted preservatives" means the preservatives designated in the Food and Drug Regulations as Class III preservatives and used in accordance with the requirements of the Food and Drug Regulations;
  - (m) "process cheese" means the food product produced by comminuting and mixing one or more lots of cheese with the aid of heat and emulsifying agents into a homogeneous mass;
  - (n) "renovated butter" or "process butter" means any butter that has been melted or clarified or refined, and in any case re-manufactured into butter;
  - (o) "standardized milk" means whole milk that has been adjusted by the addition or subtraction of milk fat or milk solids other than fat; and
  - (p) "whey butter" means butter made from milk fat that has been recovered from whey.

**Canada Dairy Products Act—continued**

(2) For the purpose of these regulations “grading” means grading by a dairy produce grader according to the grades and standards set forth in Part I of these regulations, and the grading of a dairy product shall be deemed to be not complete until the grader has, under Part I of these regulations, issued a grade certificate in respect of that product.

**Part I****DIVISION A****CREAMERY BUTTER***Grades and Standards*

3. Four grades of creamery butter are hereby established, with the following grade names:

- (a) Canada First Grade;
- (b) Canada Second Grade;
- (c) Canada Third Grade; and
- (d) Below Canada Third Grade.

4. The standards for the grades for creamery butter established by section 3 are as set forth in Schedule A.

*Use of Grade Names*

5. No person shall apply to or use in association with creamery butter a grade name established by section 3 unless the following requirements are complied with:

- (a) in the case of butter exported or intended to be exported from Canada, the butter shall be
  - (i) packed in the manner prescribed by section 13, in a box that meets Class I specifications as set forth in Schedule B, is reinforced in accordance with Schedule C, and is marked in accordance with section 14, or
  - (ii) packed and marked in accordance with section 15;
- (b) in the case of butter not exported or intended to be exported from Canada, the butter shall be
  - (i) packed in the manner prescribed by section 13, in a box that meets either Class I or Class II specifications as set forth in Schedule B and is marked in accordance with section 14, or
  - (ii) packed and marked in accordance with section 15.

*Grading*

6. (1) A grader may grade creamery butter if

- (a) the butter was produced in a creamery registered in accordance with section 12;
- (b) the butter is packed in the manner prescribed by section 13;
- (c) the butter is packed in a box that
  - (i) meets either Class I or Class II specifications as set forth in Schedule B, and
  - (ii) is marked in accordance with section 14.

**Canada Dairy Products Act—continued**

(2) Creamery butter packed and marked in accordance with section 15 is not by these regulations required to be graded.

7. (1) The Minister may prescribe the times and places at which creamery butter may be graded.

(2) Creamery butter submitted to a grader for grading shall be arranged in a suitable place and all boxes shall be open for inspection and sampling.

(3) A grader may refuse to grade creamery butter if in his opinion

(a) the butter is too fresh from the churn to permit the proper determination of its quality;

(b) the temperature of the butter is either too high or too low to permit of proper examination; or

(c) the butter is not representative of the churning required to be graded.

8. (1) When grading creamery butter the grader shall grade at least one box from each churning in every lot of butter submitted to him for grading, and, unless otherwise graded by the grader, each churning shall be given the same grade as the grade given to the butter contained in the box taken from that churning.

(2) The grader may grade more than one box from each churning in any lot of creamery butter submitted to him for grading when, in his opinion, it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each box so graded.

9. (1) The grader may brand or stamp, or cause to be branded or stamped, on any box containing creamery butter, at any time or place after the butter has been graded by him, the appropriate grade mark as set forth in Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any box containing creamery butter.

(3) A grader may examine any lot of creamery butter submitted to him by any person and may furnish such person with a statement of the results of his examination and the furnishing of such statements is not "grading" within the meaning of these regulations.

10. Any person who has submitted creamery butter to a grader for grading or any purchaser of creamery butter that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that butter.

*Grade Certificates*

11. (1) The grader shall issue a grade certificate for each lot of creamery butter that has been graded by him.

(2) Subject to this section grade certificates shall be in the form prescribed by Schedule D.

(3) The word "Pasteurized" shall be placed across the face of all certificates in respect of creamery butter that shows no reaction to the Storch test; creamery butter that reacts to the Storch test shall not be recognized by the grader as pasteurized and the certificate issued in respect thereof shall be marked with the words "Not Pasteurized".



**Canada Dairy Products Act—continued**

(4) There shall be placed across the face of certificates for creamery butter made from pasteurized cream the words: "This certificate is not good after six weeks from date of issue", and across the face of certificates for unpasteurized creamery butter, the words: "This certificate is not good after three weeks from date of issue".

(5) A certificate expressed to be not good after a specified time from date of issue is not valid after that time has expired, but the certificate is valid and remains in force until that time has expired, unless the butter in respect of which the certificate was issued is regraded, whereupon the certificate shall be deemed to have expired.

(6) The original grade certificate issued for any lot of creamery butter shall, if the butter is regraded, be surrendered to the grader before a new certificate is issued.

(7) A certificate issued in respect of regraded creamery butter made from pasteurized cream is not valid after four weeks from date of issue and shall bear across its face the words: "This certificate is not good after four weeks from date of issue"; a certificate issued in respect of regraded unpasteurized creamery butter is not valid after two weeks from date of issue and shall bear across its face the words: "This certificate is not good after two weeks from date of issue".

(8) If the grade for any lot of creamery butter is changed on regrading, the grader shall cancel the original grade marks by placing over them a cross.

(9) Notwithstanding subsection (1) the grader may refuse to issue a grade certificate for creamery butter that has been graded by him as Below Canada Third Grade if, in his opinion, the butter is of such poor quality that it is unsuitable for human consumption.

*Registration of Creameries*

12. (1) For the purpose of section 6, any person who manufactures creamery butter may register the creamery with the Minister in the manner prescribed by this section.

(2) Applications for registration shall be in the form prescribed by Schedule E.

(3) A register of creameries registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the creamery shall be assigned a registered number.

(5) Where a creamery is required to have a licence or permit under the laws of a province of Canada, such creamery shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned.

(6) The Minister may for any cause that to him seems sufficient revoke the registration of any creamery registered under subsection (1).

*Packing and Marking*

13. For the purposes of sections 5 and 6 creamery butter shall be packed in the following manner:

(a) the box shall be

(i) doubly lined with parchment paper of good quality and not less than forty-nine inches in length and twelve and three-quarters inches in width and of a minimum weight of forty pounds per ream, or

**Canada Dairy Products Act—continued**

(ii) lined with such other material as may be approved by the Minister; and

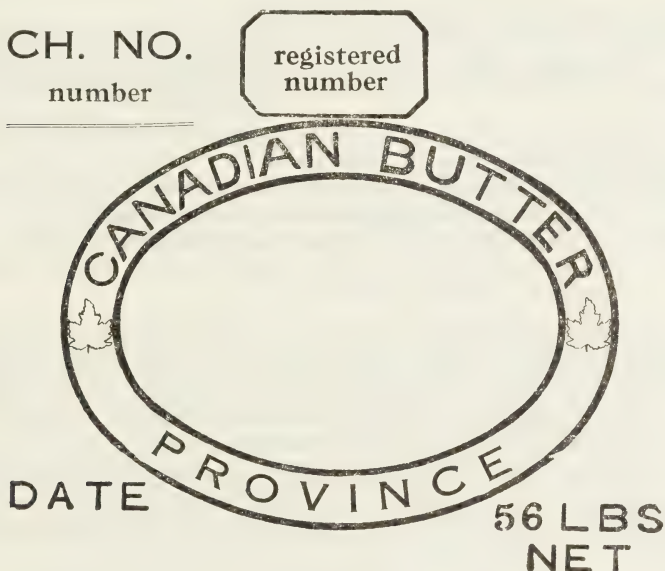
(b) the box shall be packed with a full 56 pounds net weight of butter.

14. For the purposes of section 5 and 6, creamery butter boxes shall be marked as follows:

(a) one end of each box shall be marked, at the time of packing, with the following design, properly completed by

- (i) the churning number (Ch. No.) such numbers to run consecutively throughout the calendar year commencing with number one,
- (ii) the date of manufacture, indicating the day and month as, for example, "21/1" to indicate the twenty-first day of January,
- (iii) the registered number assigned in accordance with section 12 in the form and size prescribed by Schedule F, and
- (iv) the words "56 lbs. net"

inserted exactly as indicated in the design hereunder:



(b) the lines forming the ovals of the design shall be one-eighth of an inch wide and seven eighths of an inch apart, the inside of the outer oval measuring ten inches horizontally and seven and one-half inches vertically;

(c) the words "Canadian Butter" and the name of the province wherein the butter was manufactured shall be in block letters five eighths of an inch high and no line in the design shall be less than one-sixteenth of an inch in width;

(d) except with the consent of the Minister, all markings other than those specified in paragraph (c) shall be legibly and indelibly placed on the box in type of not less than sixty point face extended capitals (Gothic);

**Canada Dairy Products Act—continued**

- (e) in the case of boxes of Class I specifications, the design shall be printed with black ink only and shall in no case be stencilled or stamped;
- (f) in the case of boxes of Class II specifications, the design may be stamped or stencilled on the end of the box;
- (g) the space within the oval of the design may contain any name, trade mark, design or wording that is not inconsistent with these regulations.

**15. For the purposes of sections 5 and 6**

- (a) creamery butter shall be packed in packages containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof not exceeding fourteen pounds and shall be
  - (i) moulded or cut into prints, blocks, squares or pats, and
  - (ii) packed in cartons, tins or such other packages as the Minister may prescribe;
- (b) all packages described in paragraph (a) containing creamery butter shall be legibly and indelibly marked with
  - (i) a statement of the net weight of the contents expressed in pounds or fractions of a pound,
  - (ii) the name and address of either the factory of origin, manufacturer, cutter, jobber, or the wholesale or retail dealer, and
  - (iii) the words "creamery butter" on the main panel thereof;
- (c) the grade name shall be legibly and indelibly marked on the main panel of the package in type of
  - (i) not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound, and
  - (ii) not less than eighteen point face extended capitals (Gothic) for packages weighing one pound or more but not more than fourteen pounds;
- (d) no package described in paragraph (a) containing creamery butter shall be marked with any fictitious creamery name or with any word that might be construed as a creamery name, unless such name or word is followed by the word "brand" in type of a size appropriate to the size of the package; and
- (e) no package described in paragraph (a) shall be marked with any word or words, other than the grade name, descriptive or purporting to be descriptive of the quality of the butter contained therein.

**DIVISION B****CHEDDAR CHEESE AND WASHED CURD CHEDDAR CHEESE***Grades and Standards*

16. Four grades for cheddar cheese and washed curd cheddar cheese are hereby established, with the following grade names;

- (a) Canada First Grade;
- (b) Canada Second Grade;
- (c) Canada Third Grade; and
- (d) Below Canada Third Grade.

17. The standards for the grades for cheddar cheese and washed curd cheddar cheese established by section 16 are set forth in Schedule A.

**Canada Dairy Products Act—continued**

18. For the purposes of sections 19 to 32, "cheddar cheese" means cheddar cheese or washed curd cheddar cheese.

*Use of Grade Names*

19. No person shall apply to or use in association with cheddar cheese a grade name established by section 16 unless the following requirements are complied with:

- (a) in the case of cheese exported or intended to be exported from Canada, the cheese shall be
  - (i) pressed and shaped as required by section 28, or as required by the Minister,
  - (ii) branded as required by section 29, and, in the case of cheese of a net weight of 60 lbs. or more branded with the name "Canada" in accordance with Schedule H,
  - (iii) ripened as required by section 30, and
  - (iv) packed in a box that meets the specifications prescribed by Schedule B, or such other specifications as the Minister may prescribe, is reinforced in accordance with Schedule C, and is marked as required by section 31;
- (b) in the case of cheese not exported or intended to be exported from Canada, the cheese shall be
  - (i) pressed and shaped as required by section 28, or as required by the Minister,
  - (ii) branded as required by section 29,
  - (iii) ripened as required by section 30, and
  - (iv) packed in a box that meets the specifications prescribed by Schedule B or such other specifications as the Minister may prescribe, and is marked in accordance with section 31.

*Grading*

20. (1) A grader may grade cheddar cheese if the cheese
- (a) was produced in a factory registered in accordance with section 27;
  - (b) was pressed and shaped in accordance with section 28, or in accordance with a method prescribed by the Minister;
  - (c) was branded in accordance with section 29;
  - (d) was ripened in accordance with section 30;
  - (e) is packed in a box that
    - (i) meets the specifications prescribed by Schedule B or such other specifications as the Minister may prescribe, and
    - (ii) is marked in accordance with section 31.

(2) Cheddar cheese packed and marked in accordance with section 32 is eligible to be exported from Canada or sent or conveyed from one province to another and is not by these regulations required to be graded.

21. (1) The Minister may prescribe the times and places at which cheddar cheese may be graded.

(2) Cheddar cheese submitted to a grader for grading shall be arranged in a suitable place and all boxes shall be open for inspection and sampling.

(3) A grader may refuse to grade cheddar cheese if in his opinion

- (a) the cheese is not sufficiently matured to permit the proper determination of its quality;



**Canada Dairy Products Act—continued**

- (b) the temperature of the cheese is either too high or too low to permit of proper examination; or
- (c) the cheese is not representative of the vat required to be graded.

22. (1) When grading cheddar cheese the grader shall grade at least one box from each vat in every lot of cheese submitted to him for grading, and, unless otherwise graded by the grader each vat shall be given the same grading as the grade given to the cheese contained in the box taken from that vat.

(2) The grader may grade more than one box of cheese from each vat in any lot of cheddar cheese submitted to him for grading when, in his opinion it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each box so graded.

23. (1) The grader may brand or stamp, or cause to be branded or stamped, on any box containing cheddar cheese, at any time or place after the cheese has been graded by him, the grade marks set forth in Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any cheddar cheese or on any box containing cheddar cheese.

24. A grader may examine any cheddar cheese that is submitted to him by any person and may furnish such person with a statement of the results of his examination, but such examination and the furnishing of such statement is not "grading" within the meaning of these regulations.

25. Any person who has submitted cheddar cheese to a grader for grading or any purchaser of cheddar cheese that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that cheese.

*Grade Certificates*

26. (1) The grader shall issue a grade certificate for each lot of cheddar cheese that has been graded by him.

(2) Subject to this section grade certificates shall be in the form prescribed by Schedule D.

(3) There shall be placed across the face of certificates for cheddar cheese the words: "This certificate is not good after six months from the date of issue".

(4) A certificate expressed to be not good after a specified time from date of issue is not valid after that time has expired, but the certificate is valid and remains in force until that time has expired unless the cheese in respect of which the certificate was issued is regraded, whereupon the certificate shall be deemed to have expired.

(5) The original grade certificate issued for any lot of cheddar cheese shall, if the cheese is regraded, be surrendered to the grader before a new certificate is issued.

(6) If the grade for any lot of cheddar cheese is changed on regrading, the grader shall cancel the original grade markings by placing over them a cross.

(7) Notwithstanding subsection (1), the grader may refuse to issue a grade certificate for cheddar cheese that has been graded by him as Below Canada Third Grade if, in his opinion, the cheese is of such poor quality that it is unsuitable for human consumption.

**Canada Dairy Products Act—continued**

*Registration of Cheese Factories*

27. (1) For the purpose of section 20, any person who manufactures cheddar cheese may register with the Minister the factory in which that cheese is manufactured, in the manner prescribed by this section.

(2) Applications for registration shall be in the form prescribed by Schedule E.

(3) A register of factories registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the factory shall be assigned a registered number.

(5) Where a factory is required to have a licence or permit under the law of a province of Canada, such factory shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned.

(6) The Minister may for any cause that to him seems sufficient revoke the registration of any factory registered under subsection (1).

*Packing and Marking*

28. For the purposes of sections 19 and 20, cheddar cheese shall be pressed into cylindrical shape, in hoops not more than fifteen inches in diameter at a height of twelve inches above the bottom of the hoops, inside measurement.

29. (1) For the purposes of sections 19 and 20, cheddar cheese shall be branded at the factory of origin and within twenty-four hours after its removal from the press with

(a) the registered number assigned by the Minister in accordance with section 27, in the form and size set forth in Schedule F;

(b) the vat number, such numbers to run consecutively throughout the calendar year commencing with number 100; and

(c) the date of manufacture, indicating the day, month and year as,

“21/1  
for example, ————— to indicate the twenty-first day of January,  
1952”

(2) All brands required by subsection (1) shall be legibly and indelibly branded in type of:

(a) not less than sixty point face extended capitals (Gothic) for units weighing more than twenty-five pounds;

(b) not less than twenty-four point face extended capitals (Gothic) for units weighing one pound or more, but not more than twenty-five pounds;

(c) not less than twelve point face extended capitals (Gothic) for units weighing less than one pound.

30. For the purposes of sections 19 and 20, cheddar cheese shall, before being packed, be kept in a ripening room for a period of at least eight days from the time of its removal from the press, unless in the opinion of the Minister the development of a rind is not necessary or desirable, in which case the cheese may be packed at any time after its removal from the press and left in a ripening room for a period of eight consecutive days.

**Canada Dairy Products Act—continued**

31. (1) For the purposes of sections 19 and 20, each box containing cheddar cheese shall be marked at the time of packing with the marks required by section 29.

(2) The left side of the lap of each box marked in accordance with subsection (1) shall also be marked at the time of packing with the weight of the cheese therein in type

- (a) at least one inch high and one-half inch wide, followed by the abbreviation "LBS" in block type one inch high, where the box is a box that contains more than twenty-five pounds; or
- (b) at least one-half inch high and one-quarter inch wide, followed by "LBS" in block type one-half inch high, where the box is a box that contains twenty-five pounds or less.

32. (1) For the purpose of subsection (2) of section 20, cheddar cheese shall be packed and marked as follows:

- (a) the cheese shall be packed in a package that contains a full net weight of not more than twenty pounds;
- (b) the cheese or the package containing the cheese shall be legibly and indelibly marked with
  - (i) a statement of the net weight of the contents expressed in pounds, fractions of a pound or ounces;
  - (ii) the name and address of either the factory of origin, the manufacturer, the cutter, the jobber or the wholesale or retail dealer, and
  - (iii) the words "cheddar cheese" or "washed curd cheddar cheese" as the case may be.

(2) Size of type used for all markings required by subsection (1) shall be:

- (a) not less than twelve point face extended capitals (Gothic) for packages weighing one pound or less;
- (b) not less than eighteen point face extended capitals (Gothic) for packages weighing more than one pound but not more than five pounds; and
- (c) not less than twenty-four point face extended capitals (Gothic) for cheese weighing more than five pounds but not more than twenty pounds.

**DIVISION C****DRY SKIMMED MILK*****Grades and Standards***

33. For the purposes of this Part, "dry skimmed milk" means dry skimmed milk, powdered skimmed milk or skimmed milk powder intended for human consumption.

34. Two grades for dry skimmed milk are hereby established, with the following grade names:

- (a) Canada First Grade; and
- (b) Canada Second Grade.

35. The standards for grades established by section 34 are as set forth in Schedule A.



**Canada Dairy Products Act—continued**

*Use of Grade Names*

36. No person shall apply to or use in association with dry skimmed milk a grade name established by section 34 unless the following requirements are complied with:

- (a) in the case of dry skimmed milk exported or intended to be exported from Canada, the dry skimmed milk shall be
  - (i) packed in the manner prescribed by section 44, in a package that meets the specifications prescribed by Schedule B and is marked in accordance with section 45, or
  - (ii) packed and marked in accordance with section 46;
- (b) in the case of dry skimmed milk not exported or intended to be exported from Canada, the dry skimmed milk shall be
  - (i) packed and marked as required by paragraph (a), or
  - (ii) packed and marked in accordance with section 46.

*Grading*

37. (1) A grader may grade dry skimmed milk if that dry skimmed milk

- (a) was produced in a factory registered in accordance with section 43;
- (b) is packed in the manner prescribed by section 44;
- (c) is packed in a package that
  - (i) meets the specifications prescribed by Schedule B, and
  - (ii) is marked in accordance with section 45.

(2) Dry skimmed milk packed and marked in accordance with section 46 is not by these regulations required to be graded.

38. (1) The Minister may prescribe the times and places at which dry skimmed milk may be graded.

(2) Dry skimmed milk submitted to a grader for grading shall be arranged in a suitable place and, at the request of the grader, the packages shall be open for inspection and sampling.

39. (1) When grading dry skimmed milk the grader shall grade at least one package in each lot of not more than twenty packages submitted to him for grading, and at least two packages in each lot of more than twenty packages so submitted.

(2) The grader may grade more than one package in each lot of not more than twenty packages submitted to him for grading, and more than two packages in each lot of more than twenty packages so submitted when, in his opinion, it is necessary or desirable to do so, and may impose a fee of twenty-five cents for each package so graded.

(3) For the purpose of subsection (1) there shall be included in each lot the whole of the output of the factory of origin in one day, determined in accordance with daily production records kept by or on behalf of the manufacturer.

40. (1) The grader may brand or stamp, or cause to be branded or stamped on any package containing dry skimmed milk at any time or place after the dry skimmed milk has been graded by him, the appropriate grade mark prescribed by Schedule G.

(2) A grader may change or cause to be changed any incorrect grade mark appearing on any package containing dry skimmed milk.



**Canada Dairy Products Act—continued**

41. Any person who has submitted dry skimmed milk to a grader for grading or any purchaser of dry skimmed milk that has been graded under this Part may appeal to the Chief, Dairy Products Division, Department of Agriculture, with respect to the decision of the grader as to the classification or grading of that dry skimmed milk.

*Grade Certificate*

42. The grader shall issue a grade certificate, in the form prescribed by the Minister, for each lot of dry skimmed milk that has been graded by him.

*Registration of Factories*

43. (1) Any person who manufactures or repacks dry skimmed milk may register with the Minister the factory in which the dry skimmed milk is manufactured or repacked, in accordance with this section.

(2) Applications for registration shall be in the form set forth in Schedule E.

(3) A register of factories registered under subsection (1) shall be kept by the Minister.

(4) Upon registration, the Minister may assign to that factory an establishment number, if, upon the report of an inspector, the Minister is satisfied that the following conditions are being complied with:

- (a) the premises are suitably lighted, ventilated and kept in a clean and sanitary condition;
- (b) all equipment for the manufacturing and packing or repacking of the dry skimmed milk is maintained from day to day in a clean and sanitary condition;
- (c) all operations involved in the preparation and packing or repacking of the dry skimmed milk are carried on from day to day carefully and with strict cleanliness;
- (d) all packages used for packing the dry skimmed milk are clean and sanitary;
- (e) all employees engaged in the production and handling of dry skimmed milk are free from tuberculosis or other communicable diseases, and are dressed in clothes or coverings for clothes that are clean and that can be easily cleaned; and
- (f) all storage space on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the dry skimmed milk.

(5) Where a factory is required to have a licence or permit under the law of a province of Canada, such factory shall not be registered under subsection (1) until such licence or permit is obtained from the province concerned.

(6) The Minister may for any cause that to him seems sufficient revoke the registration of any factory registered under subsection (1).

*Packing and Marking*

44. For the purposes of sections 36 and 37, dry skimmed milk shall be packed in the following manner:

(a) all packages shall be lined with

- (i) double liners with or without taped seams, the outer of ninety pounds crinkled duplex paper made of two sheets of thirty pound kraft paper laminated together with an even

**Canada Dairy Products Act—continued**

layer or asphaltum equal to thirty pound basis, and the inner not less than twenty-five pound basis and fifty per cent regular paraffin, both liners to have thirty-three and one-third per cent stretch and to be tied tightly,

- (ii) double liners with or without taped seams, the outer liner of fifty pound kraft and the inner not less than twenty-five pound basis, each liner fifty per cent regular paraffin and having thirty-three and one-third per cent stretch and tied tightly, or
- (iii) any other material that has been approved by the Minister; and

- (b) all packages shall be packed with a full net weight of at least twenty-five pounds.

45. For the purposes of sections 36 and 37, packages of dry skimmed milk shall be marked as follows:

- (a) each package shall, by means of a trade label or a stencilled or lithographed design affixed thereto, be legibly and indelibly marked with
  - (i) the name and address of the manufacturer or the person on whose behalf the dry skimmed milk was manufactured,
  - (ii) the words "Dry Skimmed Milk", "Powdered Skimmed Milk" or "Skimmed Milk Powder", and
  - (iii) a statement of the quantity or weight of the contents thereof;
- (b) the trade label or the stencilled or lithographed design shall indicate the process of manufacture, such as "Spray", "Roller" or "Vacuum Drum";
- (c) the grade name, the date of manufacture (indicated in numerals as, for example, "21-4-52" to indicate the twenty-first day of April 1952), and the establishment number shall be neatly marked in type of not less than sixty point face extended capitals (Gothic) on the side of the package or, if the package used is a barrel, between the two upper hoops of the barrel, in accordance with the following example:

**CANADA FIRST GRADE**

**21-4-52**

**Est. 000**

- (d) each package shall be marked at the time of packing with the date on which it was so packed;
- (e) in the case of packages exported or intended to be exported from Canada, legibly and indelibly marked with the words "Made in Canada" or "Product of Canada".

46. For the purposes of sections 36 and 37, dry skimmed milk shall be packed and marked as follows:

- (a) the dry skimmed milk shall be packed in a package that contains a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof not exceeding twenty-four pounds;

**Canada Dairy Products Act—continued**

- (b) the package containing the dry skimmed milk shall be legibly and indelibly marked with
  - (i) the appropriate grade name on the main panel in type of not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound, and not less than eighteen point face extended capitals (Gothic) for packages weighing one pound or more but not more than twenty-four pounds,
  - (ii) the words "Dry Skimmed Milk", "Powdered Skimmed Milk", or "Skimmed Milk Powder" and an indication of the process of manufacture (such as "Spray", "Roller", or "Vacuum Drum") on the main panel,
  - (iii) a statement of the net weight of the contents, expressed in ounces, fractions of a pound, or pounds as the case may be,
  - (iv) the name and address of the manufacturer or packer or the first dealer to whom such packages are delivered by the manufacturer or packer,
  - (v) the establishment number assigned to the factory of origin of the dry skimmed milk in accordance with section 43 shall be placed on the outer container used for shipment by the manufacturer or packer of the dry skimmed milk, and
  - (vi) such other markings as the Minister may prescribe; and
- (c) no package described in paragraph (a) shall be marked with any word or words, other than the grade name, descriptive or purporting to be descriptive of the quality of the dry skimmed milk contained therein.

**Part II**

## EXPORT AND INTERPROVINCIAL TRADE

47. This Part applies to the following dairy products:

- (a) butter, namely,
  - (i) dairy butter,
  - (ii) whey butter, and
  - (iii) renovated butter, also known as process butter;
- (b) cheese, other than cheddar cheese or washed curd cheddar cheese, including
  - (i) cream cheese,
  - (ii) process cheese, also known as emulsified cheese,
  - (iii) skim milk process cheese, also known as skim milk emulsified cheese,
  - (iv) skim milk cheese,
  - (v) swiss cheese, also known as emmenthaler cheese,
  - (vi) gouda cheese, and
  - (vii) granular or stirred curd cheese;
- (c) ice cream, including
  - (i) ice cream mix,
  - (ii) sherbet;
- (d) concentrated milk products, sterilized milk and sterilized canned cream for human consumption, other than dry skimmed milk, including
  - (i) condensed milk also known as sweetened condensed milk,

**Canada Dairy Products Act—continued**

- (ii) evaporated milk also known as unsweetened condensed milk,
- (iii) evaporated skim milk including concentrated skim milk and concentrated partly skimmed milk,
- (iv) dry whole milk also known as milk powder, powdered milk or powdered whole milk,
- (v) malted milk powder,
- (vi) flavoured malted milk powder,
- (vii) dry buttermilk also known as buttermilk powder,
- (viii) sterilized milk, and
- (ix) sterilized canned cream.

- (e) concentrated milk products for animal consumption, including
  - (i) dry skimmed milk for animal or poultry food,
  - (ii) dry buttermilk for animal or poultry food, and
  - (iii) dry whey.

48. No person shall

- (a) except with the consent in writing of the Minister export from Canada, or
  - (b) send or convey from one province to another,
- any dairy product to which this Part applies unless that dairy product
- (c) complies with the standards of composition,
  - (d) was produced in accordance with the conditions, and
  - (e) is packed and marked in the manner prescribed for that dairy product in this Part.

DIVISION A

BUTTER

*Standards of Composition*

49. Dairy butter shall contain

- (a) not more than sixteen per cent by weight of water;
- (b) not less than eighty per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

50. Whey butter shall contain

- (a) not more than sixteen per cent by weight of water;
- (b) not less than eighty per cent by weight of milk fat;
- (c) no fat or oil other than that of milk,
- (d) no milk, creamery butter, dairy butter, or cream separated from milk.

51. Renovated butter or process butter shall be butter that has been melted or clarified or refined in any way and remanufactured into butter, but in no case shall fat or oil other than that of milk be present.

*Packing and Marking*

52. All packages of dairy butter and whey butter shall be of the full net weight of one-quarter pound, one-half pound, one pound or multiples thereof when

- (a) moulded or cut into prints, blocks, squares or pats; and
- (b) packed in tins or other packages.



**Canada Dairy Products Act—continued**

53. All packages described in section 52 containing dairy butter or whey butter shall be legibly and indelibly marked with

- (a) a statement of the net weight of the contents expressed in pounds or fractions of a pound; and
- (b) the name and address of either the factory of origin, manufacturer, cutter, jobber, or the wholesale or retail dealer.

54. All packages described in section 52 containing whey butter shall be marked on the main panel of the wrapper or carton with the words "whey butter" in type of

- (a) not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound;
- (b) not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more.

55. All packages containing whey butter, other than packages described in section 52, shall be marked on the side thereof with

- (a) a registered number issued by the Minister, in the form and size set forth in Schedule F;
- (b) the words "whey butter";
- (c) the date of manufacture, indicated as, for example, "21/1" the first figure indicating the day of the month and the second figure the month of the year; and
- (d) a churning number, such churning numbers to run consecutively throughout the calendar year, commencing with the number one; in size of type not less than twenty-four point face extended capitals (Gothic) for packages weighing less than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing twenty-five pounds or more.

56. (1) All packages of dairy butter

- (a) described in section 52 shall be marked on the main panel with the words "Dairy Butter" in size of type not less than twelve point face extended capitals (Gothic) for packages weighing less than one pound, and not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more;
- (b) similar to those used for the packing of creamery butter shall be marked on the side of the package with the words "Dairy Butter";
- (c) consisting of a mixture of creamery butter and dairy butter shall be marked with the words "Dairy Butter".

(2) Type used for the marks required by paragraphs (b) and (c) of subsection (1) shall be not less than twenty-four point face extended capitals (Gothic) for packages weighing less than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing twenty-five pounds or more.

57. Each box of butter exported or intended to be exported from Canada shall be reinforced in such a manner that the contents thereof will be adequately protected against damage not of an exceptional or unusual nature or origin.

Canada Dairy Products Act—continued

DIVISION B

CHEESE

*Standards of Composition*

58. (1) Cheese shall be made of coagulating the casein of whole milk, cream, skimmilk, evaporated milk, evaporated skimmed milk, skimmed milk powder, whole milk powder, or mixtures thereof, with or without the addition of cream, skimmed milk powder, whole milk powder or of proportionately small amounts of other ingredients such as ripening ferments, harmless acid-producing bacterial cultures, special mould cultures, salt, seasoning, special flavouring materials, food colour or permitted preservatives, but fat or oil other than that of milk shall not be used.

(2) The varieties or kinds of cheese listed hereunder shall contain on the dry basis not less than the percentage of milk fat indicated for that variety or kind of cheese.

Variety or Kind of Cheese	Minimum Milk Fat Content on Dry Basis
PART I—	
Brick, Blue (Blue Veined), Colby, Gouda, Gorgonzola, Granular, Limberger, Roquefort.....	48%
PART II—	
Emmenthaler, Gruyere, Swiss.....	43%
Edam.....	40%
Parmesan and Romano.....	32%

59. Cream cheese shall be made from curd obtained from the action of either lactic fermentation or rennet or both on cream or milk to which cream has been added and the curd, heated or unheated, salted or unsalted shall be drained by gravity or light pressure or by any other approved method with or without the addition of not more than 0.5 per cent by weight of vegetable gum, gelatin or algin and shall contain

- (a) if manufactured without the addition of seasonings, relishes, condiments or other cheeses, not more than fifty-five per cent by weight of water and, on the dry basis, not less than sixty-five per cent of milk fat; and
- (b) if manufactured with the addition of seasonings, relishes, condiments or other cheeses, not more than sixty per cent by weight of water and, on the dry basis, not less than fifty per cent of milk fat.

60. Process cheese (emulsified cheese, process cheese spread) may contain added water, solids derived from milk, permitted preservatives, food colour, seasoning, relishes, condiments, and the finished product shall contain, if manufactured from

- (a) a cream cheese base without the addition of seasonings, relishes, or condiments, not more than fifty-five per cent of water and, on the dry basis, not less than sixty-five per cent of milk fat;
- (b) a cream cheese base with the addition of seasonings, relishes or condiments, not more than sixty per cent of water and, on the dry basis, not less than fifty per cent of milk fat;
- (c) a cheddar cheese base or any cheese base named in Part I of the table in section 58, not more than forty-three per cent of water and, on the dry basis, not less than forty-eight per cent of milk fat; and

**Canada Dairy Products Act—continued**

- (d) any other cheese base, not more than forty-three per cent of water and, on the dry basis, not less than forty-five per cent of milk fat.

61. Skim milk cheese shall be cheese, except cottage cheese that contains on the dry basis not more than fifteen per cent of milk fat.

62. Skim milk process cheese (skimmilk emulsified cheese, skimmilk process cheese spread) shall be process cheese except that it shall contain not more than fifty-five per cent water and, on the dry basis, not more than fifteen per cent milk fat.

63. Swiss cheese or Emmenthaler cheese shall be cheese that is made by the Emmenthaler process, from heated and pressed curd obtained by the action of rennet on whole milk or on standardized milk, that is ripened by special gas-producing bacteria, causing characteristic "eyes" or holes and contains not more than forty-one per cent of water and, on the dry basis, not less than forty-three per cent of milk fat.

64. Gouda cheese shall be cheese made by the Gouda process, from heated and pressed curd obtained by the action of rennet on whole milk, the rind of which is coloured with some harmless colouring matter, and the finished product shall contain on the dry basis, not less than forty-eight per cent of milk fat.

65. Granular or stirred curd cheese shall be cheese that is made from heated and pressed curd obtained by the action of rennet on whole milk but not cheddared as in the cheddar process, and that contains, on the dry basis, not less than forty-eight per cent of milk fat.

*Packing and Marking*

66. All package cheese shall be packed in packages containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof, except that grated or dehydrated cheese may be packed in packages containing a full net weight of two ounces.

67. (1) All cheese to which this Part applies shall be legibly and indelibly labelled with or packed in packages legibly and indelibly marked with

- (a) a statement of the net weight of the contents expressed in pounds, fractions of a pound or in ounces;
- (b) the name and address of either the manufacturer, jobber or the wholesale or retail dealer; and
- (c) a true and accurate statement as to the variety or kind of cheese, or in the case of process or emulsified cheese, the words "Process Cheese", "Emulsified Cheese", "Process Cheese Spread", "Skim Milk Process Cheese", "Skim Milk Emulsified Cheese" or "Skim Milk Process Cheese Spread" shall be on the main panel of the package.

(2) Skim Milk Cheese, granular cheese or stirred curd cheese that have not been re-processed in any way, and packages containing such cheese before leaving the factory of origin shall be marked on the side thereof with

- (a) the words "Skim Milk Cheese", "Granular Cheese", or "Stirred Curd Cheese";

**Canada Dairy Products Act—continued**

- (b) a registered number issued by the Minister, in the form and size set forth in Schedule F;
- (c) the vat number, such vat numbers to run consecutively throughout the calendar year, commencing with the number one; and
- (d) the date of manufacture, indicating the day, month and year as, for example, "21/1 1952" to indicate the twenty-first day of January, 1952.

(3) The size of type used for all markings required by this section shall not be less than twelve point face extended capitals (Gothic) for cheese weighing one pound or less, not less than eighteen point face extended capitals (Gothic) for cheese weighing more than one pound but not more than five pounds, not less than twenty-four point face extended capitals (Gothic) for cheese weighing more than five pounds but not more than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for cheese weighing more than twenty-five pounds.

**DIVISION C**

**ICE CREAM**

**including**

**ICE CREAM MIX AND SHERBERT**

*Standards of Composition*

68. Ice cream shall contain

- (a) not less than ten per cent by weight of milk fat;
- (b) not less than thirty-six per cent by weight of food solids;
- (c) not less than one and eight-tenths pounds of food solids per gallon of which amount fifty one-hundredths of a pound shall be milk fat;
- (d) not more than one-half of one per cent by weight of stabilizer; and
- (e) no fat or oil other than that of milk.

69. Ice cream mix shall contain

- (a) not less than ten per cent by weight of milk fat;
- (b) not less than thirty-six per cent by weight of food solids;
- (c) not more than one-half of one per cent by weight of stabilizer;
- (d) no fat or oil other than that of milk.

70. Sherbet shall contain

- (a) not more than five per cent by weight of milk solids including milk fat;
- (b) not more than three-fourths of one per cent by weight of stabilizer;
- (c) not less than thirty-five one-hundredths of one per cent of acid as determined by titrating with standard alkaline solution and expressed as lactic acid; and
- (d) no fat or oil other than that of milk.

*Packing and Marking*

71. (1) All packages of ice cream or sherbet

- (a) containing five fluid ounces or more shall be of the full net volume of one-quarter pint, one-half pint, one pint or multiples



**Canada Dairy Products Act—continued**

of a pint and shall be legibly and indelibly marked with a true and accurate statement of the net volume of the contents expressed in pints, quarts, gallons or fractions thereof;

- (b) containing less than five fluid ounces shall be legibly and indelibly marked with a true and accurate statement of the net volume of the contents expressed in terms of fluid ounces;
- (c) shall be legibly and indelibly marked by the manufacturer at the time of packing with the name and address of the manufacturer or the person for whom the product was manufactured;
- (d) shall be legibly and indelibly marked with a true and accurate description of the contents, including the name of the product or products contained therein;
- (e) shall be marked as required by this section in type of not less than twelve point face extended capitals (Gothic) when the net volume is one pint or less and in type of not less than twenty-four point face extended capitals (Gothic) when the net volume is more than one pint.

(2) Without limiting the generality of paragraph (e) of subsection (1), cans or other receptacles used for bulk ice cream or sherbet may be legibly and indelibly marked with the name and address of the manufacturer or the person for whom the product was manufactured in type of a size appropriate to the size of the can or other receptacle.

(3) All packages containing ice cream mix shall be legibly and indelibly marked with

- (a) the name and address of the manufacturer;
- (b) a true and accurate statement of the net contents; and
- (c) the words "Ice Cream Mix".

**DIVISION D**

CONCENTRATED MILK PRODUCTS, STERILIZED MILK AND  
STERILIZED CANNED CREAM FOR HUMAN CONSUMPTION

*Standards of Composition*

72. Condensed milk (sweetened condensed milk) shall be milk from which water has been evaporated and to which sugar, or dextrose, or both, have been added, with or without added Vitamin D, and shall contain

- (a) not less than twenty-eight per cent by weight of milk solids;
- (b) not less than eight per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

73. Evaporated milk (unsweetened condensed milk) shall be milk from which water has been evaporated, with or without

- (a) added Vitamin D; or
- (b) disodium phosphate, or sodium citrate, or both, added in a total quantity of not more than 0.1 per cent by weight of the finished product;

and shall contain

- (c) not less than twenty-five and one-half per cent by weight of milk solids;
- (d) not less than seven and eight-tenths per cent by weight of milk fat; and
- (e) no fat or oil other than that of milk.

**Canada Dairy Products Act—continued**

74. (1) Evaporated skimmed milk (concentrated skimmed milk) shall be milk, with or without added Vitamin D, that has been concentrated to at least one-half its original volume by the removal of the water and from which all or substantially all of the milk fat has been removed, but in no case shall fat or oil other than that of milk be present.

(2) Evaporated skimmed milk from which only part of the milk fat has been removed and which contains less than seven and eight-tenths per cent by weight of milk fat may be designated as evaporated partly skimmed milk (concentrated partly skimmed milk).

75. Dry whole milk (milk powder, powdered milk, powdered whole milk) may contain added Vitamin D, but shall contain

- (a) not less than ninety-five per cent by weight of milk solids;
- (b) not less than twenty-six per cent by weight of milk fat; and
- (c) no fat or oil other than that of milk.

76. Malted Milk Powder, (malted milk) shall be made by combining whole milk with the liquid separated from a mash of ground barley malt and meal, with or without the addition of salt, sodium bicarbonate, or potassium bicarbonate, in such a manner as to secure the full enzyme action of the malt extract, and upon removal of the water shall contain

- (a) not less than seven and one-half per cent by weight of milk fat;
- (b) not more than three and one-half per cent by weight of water; and
- (c) no fat or oil other than that of milk.

77. Flavoured Malted Milk Powder (flavoured malted milk) shall be malted milk powder containing a flavouring preparation.

78. Dry buttermilk (buttermilk powder) shall be the product resulting from the removal of water from liquid buttermilk and shall contain

- (a) not more than five per cent by weight of water; and
- (b) no fat or oil other than that of milk.

79. Sterilized milk shall be milk that has been heated without concentration or appreciable loss of volume to a temperature of at least one hundred degrees Centigrade for a length of time sufficient to kill all the organisms present, shall be packed in hermetically sealed containers and shall contain

- (a) not less than three and one-quarter per cent by weight of milk fat;
- (b) not less than eleven and three-quarter per cent by weight of total milk solids; and
- (c) no fat or oil other than that of milk.

80. Sterilized canned cream shall be cream that has been heated without concentration or appreciable loss of volume to a temperature of at least one hundred degrees Centigrade for a length of time sufficient to kill all organisms present, shall be packed in hermetically sealed containers and shall contain no fat or oil other than that of milk.

*Packing and Marking*

81. (1) All packages of evaporated milk including evaporated skimmed milk and evaporated partly skimmed milk not exported or intended to be exported from Canada and shall be of full net weight of six ounces, one pound or multiples of one pound.

**Canada Dairy Products Act—continued**

(2) All packages of dry whole milk not exported or intended to be exported from Canada shall be of the full net weight of one-quarter pound, one-half pound, one pound, two and one-half pounds, five pounds or multiples thereof.

82. (1) All packages containing concentrated milk products, sterilized milk or sterilized canned cream shall be legibly and indelibly marked with

- (a) a statement of the net weight expressed in ounces or pounds as the case may be;
- (b) the name and address of the manufacturer or packer or the first dealer obtaining them direct from the manufacturer or packer;
- (c) a true and accurate description of the contents, including the name of the product;
- (d) the establishment number assigned to the factory of origin in accordance with section 84, on the outer container used for shipment by the manufacturer or packer of the product concerned; and
- (e) any other markings prescribed by the Minister.

(2) All packages of evaporated partly skimmed milk and sterilized canned cream shall be legibly and conspicuously marked with a statement of the percentage content by weight of milk fat, in addition to the markings required by subsection (1).

(3) All packages of sterilized milk shall be legibly and conspicuously marked with the statement "This milk is not a concentrated product, but has only the food value of normal milk", in addition to the markings required in subsection (1).

83. All packages of concentrated milk products, sterilized milk or sterilized canned cream for human consumption shall, when exported from Canada, be legibly and indelibly marked with the words "Made in Canada" or "Product of Canada" in addition to other prescribed standards of marking.

84. (1) The Minister may issue an establishment number to any establishment for the processing or packing of concentrated milk products, sterilized milk or sterilized canned cream in Canada, if upon the report of an inspector, the Minister is satisfied that the following conditions with respect to sanitation and operation are being complied with:

- (a) the premises are suitably lighted, ventilated and kept in a clean and sanitary condition;
- (b) all equipment for the processing or packing of the product or products is maintained from day to day in a clean and sanitary condition;
- (c) all operations involved in the preparation and packing of the product or products are carried on from day to day carefully and with strict cleanliness;
- (d) all containers used for packing the product or products are clean and sanitary;
- (e) all employees engaged in the production and handling of the product or products are free from tuberculosis or other communicable diseases, and are dressed in clothes or coverings for clothes that are clean and that can be easily cleaned; and



**Canada Dairy Products Act—continued**

- (f) all storage space maintained on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the product or products.
- (2) The Minister may for any reason that to him seems sufficient revoke any establishment number issued under subsection (1).

DIVISION E

CONCENTRATED MILK PRODUCTS FOR ANIMAL FOOD

*Standards of Composition*

- 85. Dry skimmed milk for animal or poultry food purposes shall be
  - (a) dry skimmed milk that when graded under authority of Part I of the Act is found to be of a quality below the requirements of Canada Second Grade;
  - (b) dry skimmed milk manufactured in an establishment that has not received an establishment number from the Minister;
  - (c) dry skimmed milk manufactured in an establishment that has had an establishment number issued in accordance with section 43 cancelled by the Minister; or
  - (d) dry skimmed milk that is not intended for human consumption.
- 86. Dry buttermilk for animal or poultry food purposes shall be
  - (a) dry buttermilk that does not meet the standards of composition prescribed in this Part;
  - (b) dry buttermilk manufactured in an establishment that has not received an establishment number from the Minister;
  - (c) dry buttermilk manufactured in an establishment that has had an established number issued in accordance with section 84 cancelled by the Minister; or
  - (d) dry buttermilk that is not intended for human consumption.

*Packing and Marking*

- 87. All packages of concentrated milk products for animal and poultry food purposes shall be
  - (a) of the full net weight of one pound, five pounds, twenty-five pounds or multiples thereof;
  - (b) new packages of either wood, paper, cotton or jute, and if cotton or jute is used, lined with suitable paper liners;
  - (c) legibly and indelibly marked with
    - (i) the name of the product as described in this Part,
    - (ii) the net weight expressed in pounds,
    - (iii) the name and address of the manufacturer or vendor,
    - (iv) the words "For Animal Food" in type of not less than twenty-four point face extended capitals (Gothic) for packages weighing one pound or more but not more than twenty-five pounds, and not less than sixty point face extended capitals (Gothic) for packages weighing more than twenty-five pounds,
    - (v) in the case of packages to be exported from Canada, the words "Made in Canada" or "Product of Canada", and
    - (vi) such markings as may be required by the Feeding Stuffs Act.



**Canada Dairy Products Act—continued****Part III**

## IMPORTS

*Creamery Butter*

88. No person shall import into Canada any creamery butter unless
- (a) the butter complies with the standards set forth in Schedule A for the grades for creamery butter established by section 3;
  - (b) the butter is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
    - (i) the country of origin,
    - (ii) the name and address of the manufacturer or authorized agent,
    - (iii) the date of manufacture,
    - (iv) the net weight of the contents thereof; and
  - (c) the package is marked with a true and accurate indication of the quality of the butter, expressed in terms customarily used in the country of origin.

*Whey Butter*

89. No person shall import into Canada any whey butter unless
- (a) the whey butter complies with the standards of composition prescribed by section 50;
  - (b) the butter is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
    - (i) the country of origin,
    - (ii) the name and address of the manufacturer or authorized agent,
    - (iii) the date of manufacture,
    - (iv) the net weight of the contents thereof, and
    - (v) the words "Whey Butter" in type at least one inch in height.

*Cheese*

90. (1) No person shall import into Canada any cheddar cheese unless
- (a) the cheese conforms to the standards set forth in Schedule A for the grades for cheddar cheese established by section 16;
  - (b) the cheese is packed in a package of a type approved by the Minister, that is legibly and indelibly identified as to
    - (i) the country of origin,
    - (ii) the name and address of the manufacturer or authorized agent,
    - (iii) the date of manufacture, and
    - (iv) the net weight of the contents thereof; and
  - (c) the package is marked with a true and accurate indication of the quality of the cheddar cheese, expressed in terms customarily used in the country of origin.
- (2) No person shall import into Canada any cheese other than cheddar cheese unless
- (a) in the case of any cheese for which standards of composition have been prescribed in Part II, the cheese conforms to the standards of composition prescribed in that Part,

**Canada Dairy Products Act—continued**

- (b) the cheese is packed in a package that is legibly and indelibly marked with
  - (i) the name of the country of origin,
  - (ii) the name and address of the manufacturer or authorized agent,
  - (iii) the net weight of the contents thereof, and
  - (iv) a true and accurate statement as to the name or kind of cheese, and in the case of process or emulsified cheese the words "Process Cheese" or "Skim Milk Process Cheese"; and
- (c) in the case of package cheese, the cheese is packed in a package containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof, except that graded or dehydrated cheese may be packed in a package containing a full net weight of two ounces.

CONCENTRATED MILK PRODUCTS, STERILIZED MILK AND STERILIZED  
CANNED CREAM FOR HUMAN CONSUMPTION

91. (1) No person shall import into Canada any concentrated milk products, sterilized milk or sterilized canned cream for human consumption unless

- (a) in the case of a concentrated milk product, sterilized milk or sterilized canned cream for which standards of composition have been prescribed in Part II, the product conforms to the standards of composition prescribed in that Part;
- (b) in the case of dry skimmed milk, the product conforms to the standards set forth in Schedule A for the grades for dry skimmed milk established by section 34;
- (c) the product is packed in a package that is legibly and indelibly marked with
  - (i) the name of the country of origin,
  - (ii) the name and address of the manufacturer or authorized agent,
  - (iii) the net weight of the contents thereof,
  - (iv) a true and accurate statement on the main panel as to the name or kind of product,
  - (v) the process of manufacture in the case of dry whole milk or dry skimmed milk,
  - (vi) the percentage by weight of milk fat in the case of evaporated partly skimmed milk or sterilized canned cream, and
  - (vii) in the case of sterilized milk, the statement "This milk is not a concentrated product but has only the food value of normal milk".
- (d) in the case of evaporated milk, including evaporated skimmed milk and evaporated partly skimmed milk, the product is packed in a package containing a full net weight of six ounces, one pound or multiples of one pound;
- (e) in the case of dry whole milk; the product is packed in a package containing a full net weight of one-quarter pound, one-half pound, one pound, two and one-half pounds, five pounds or multiples thereof; and
- (f) in the case of dry skimmed milk, the product is packed in a package containing a full net weight of one-quarter pound, one-half pound, one pound or multiples thereof not exceeding twenty-four pounds.

**Canada Dairy Products Act—continued**

(2) No person shall import into Canada any dry skimmed milk that does not comply with the standards set forth in Schedule A for Canada First Grade or Canada Second Grade dry skimmed milk unless the packages thereof are legibly and indelibly marked with the words "For Animal Food" in letters not less than one inch in height.

CONCENTRATED MILK PRODUCTS FOR ANIMAL FOOD

92. No person shall import into Canada any concentrated milk product for animal or poultry food unless that product is

- (a) packed in a new package of either wood, paper, cotton or jute, and if cotton or jute is used, lined with suitable paper liners;
- (b) packed in a package that is legibly and indelibly marked with
  - (i) the name of the country of origin,
  - (ii) the name and address of the manufacturer or authorized agent,
  - (iii) the net weight of the contents thereof,
  - (iv) a true and accurate statement as to the name or kind of product,
  - (v) the words "For Animal Food" in letters not less than one inch in height, and
  - (vi) such markings as may be required by the Feeding Stuffs Act.

*Enforcement*

93. (1) No person shall import into Canada any dairy product for human consumption unless that product is accompanied by two copies of a declaration by the manufacturer or authorized agent, attested in the country of origin before a Justice of the Peace, notary, or other person authorized so to attest, in the following form:

DECLARATION FOR CUSTOMS ENTRY

Place .....  
Date .....

To: The Collectors of Customs,  
Department of National Revenue,  
Canada.

I (or we) ..... hereby declare that the shipment described herein was manufactured from sound, raw materials, that its manufacture was carried on under sanitary conditions, that the products, are at the time of shipment, sound, wholesome and fit for human food, that the containers and packages are accurately identified as to the manufacturer or authorized agent and that the description of the contents is true and correct.

That the shipment is described as follows:  
Name and address of the actual manufacturer.....  
Name and address of shipper.....  
Name and address of consignee.....  
Number of packages.....  
Number of containers in each package.....  
Name of product.....  
Identification marks.....

.....  
Signature of Shipper

Declared before me this..... day of..... 19....

.....  
(Signature of Justice of the Peace  
or other person authorized to attest)

**Canada Dairy Products Act—continued**

(2) One copy of the declaration required by subsection (1) shall be attached by the Collector of Customs upon receipt to the B-1 Entry Form and forwarded to the Department of National Revenue in Ottawa, the other copy shall be kept on the file by the Collector for a period of one year for inspection by an inspector of the Department of Agriculture.

(3) All officers, as defined in the Customs Act shall, before permitting the export or import of any dairy product, satisfy themselves that all the requirements of the Act and these regulations with respect thereto have been complied with.

**Schedule A**

**GRADE STANDARDS**

**I. CREAMERY BUTTER**

1. The standards for the grades for creamery butter established by section 3 are as follows:

- (a) Canada First Grade Creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, has a minimum total score of ninety-two points with a minimum score of thirty-nine points for flavour, and has the following characteristics:
  - (i) it is clean with no objectionable flavour,
  - (ii) the texture is firm, close and waxy,
  - (iii) the moisture is well incorporated,
  - (iv) the colour is practically true and even and is of a desirable shade,
  - (v) the salt is all dissolved, and
  - (vi) it is packed in clean boxes which are neatly branded, cleanly lined, solidly packed and neatly finished;
- (b) Canada Second Grade creamery butter is creamery butter that does not qualify for Canada First Grade, contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, has a minimum total score of eighty-seven and a minimum score of thirty-seven for flavour and may have the following characteristics:
  - (i) it is slightly unclean, or unclean in flavour, or is slightly weedy but has no stinkweed or other pronounced weedy flavours, or is slightly stale, or stale, or slightly metallic, or metallic, or slightly tallowy, or tallowy, or sour, or is bitter as a result of pronounced saltiness or other causes, or has a pronounced woody or other objectionable flavour on the surface or in the butter,
  - (ii) it is weak in texture, or open, greasy, brittle or sticky,
  - (iii) it has free moisture or is leaky,
  - (iv) it is lightly mottled, or mottled in colour, slightly streaky, or streaky, uneven, or has any objectionable shade of colour, and
  - (v) the salt is not all dissolved;
- (c) Canada Third Grade creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, is not



**Canada Dairy Products Act—continued**

classed as Below Canada Third Grade but has a total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:

- (i) the flavour is very stale or very sour or very tallowy or fishy or very unclean, very metallic, very yeasty, very musty, very cheesy, or very fruity, or is rancid or pronounced weedy but not stinkweed or similar types of flavours, or has other objectionable flavours on the surface or in the butter that are too pronounced for Canada Second Grade butter,
  - (ii) the texture is very weak, or is otherwise inferior to Canada Second Grade,
  - (iii) it has a milky moisture,
  - (iv) it is very mottled in colour or very streaky or very uneven, and
  - (v) the salting is exceedingly heavy;
- (d) Below Canada Third Grade creamery butter is creamery butter that contains not more than sixteen per cent water, not less than eighty per cent milk fat and no fat other than that of milk, and has any of the following characteristics:
- (i) any very objectionable flavour such as very rancid, garlic, onions, gasoline, kerosene, surface taint, stinkweed or other strong weedy flavours comparable to stinkweed,
  - (ii) dirt or foreign matter is found in or on the butter by the grader at the time of grading,
  - (iii) mould has appeared either on the butter itself or on the package, or
  - (iv) it is otherwise inferior to Canada Third Grade.

2. The point scores referred to above are governed by the following table of maximum points:

<i>Characteristics</i>	<i>Maximum Points</i>
Flavour .....	45 points
Texture .....	15 "
Incorporation of Moisture .....	10 "
Colour .....	10 "
Salting .....	10 "
Packing .....	10 "
<b>Total .....</b>	<b>100 points</b>

**II. CHEDDAR CHEESE**

1. The standards for the grades for cheddar cheese established by section 16 are as follows:

- (a) Canada First Grade cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, and has a minimum total score of ninety-two with a minimum score of thirty-nine for flavour and has the following characteristics:
- (i) it is clean with no objectionable flavour,
  - (ii) the texture is firm, smooth and silky,
  - (iii) it is reasonably close,
  - (iv) it has a uniform colour,

**Canada Dairy Products Act—continued**

- (v) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes, and
  - (vi) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean and sound;
- (b) Canada Second Grade cheddar cheese is cheese that does not qualify for Canada First Grade, but contains on a dry basis not less than forty-eight per cent milk fat, no fat other than that of milk, and has a minimum total score of eighty-seven with a minimum score for flavour of thirty-seven, and may have the following characteristics:
- (i) the flavour is fruity, or not clean, or slightly rancid or slightly "off", or "off" or turniplike, or is otherwise objectionable;
  - (ii) the texture is pasty or weak, mealy, acidic or stiff,
  - (iii) it is open or loose, or has ragged or flat holes or slight pin holes, or is slightly gassy,
  - (iv) the colour is uneven, slightly mottled, or it has a mottled or objectionable shade or slight discoloration foreign to the ordinary colour of Canadian Cheddar cheese, and
  - (v) it is irregular in size or not smoothly finished, or the rinds are slightly damaged, by cracking or from other causes, but without conspicuous cracks or decidedly rough appearance;
- (c) Canada Third Grade cheddar cheese is cheese that contains on a dry basis not less than forty-eight per cent milk fat, no fat other than that of milk, and is not classed Below Canada Third Grade but has a minimum total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:
- (i) the flavour is rancid or badly "off" or is otherwise inferior to flavour of Canada Second Grade, excluding the flavours characteristic of cheese Below Canada Third Grade,
  - (ii) the texture is very weak, very acidic, very soft or very stiff,
  - (iii) it is very open, or has gas or swiss holes,
  - (iv) the colour is very uneven or very mottled, or it has a very objectionable shade or any discoloration foreign to the ordinary colour of Canadian Cheddar cheese that is too pronounced for Canada Second Grade, and
  - (v) it is decidedly rough in appearance, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from Canada Second Grade but not sufficiently damaged to be classed Below Canada Third Grade;
- (d) Below Canada Third Grade cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, and has any of the following characteristics:
- (i) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, stinkweed or other strong weedy flavours comparable to stinkweed,
  - (ii) the texture is very dry, crumbly, mushy or leaking,
  - (iii) it is extremely open or very porous,

**Canada Dairy Products Act—continued**

- (iv) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese,
- (v) it is seriously damaged by vermin or otherwise, and
- (vi) it is otherwise inferior to Canada Third Grade or foreign matter is found in it by the grader at time of grading.

2. The standards for the grades for washed curd cheddar cheese established by section 16 are as follows:

- (a) Canada First Grade washed curd cheddar cheese is cheese that contains on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, has a minimum total score of ninety-two with a minimum score of thirty-nine for flavour and has the following characteristics:
  - (i) it is clean with no objectionable flavour,
  - (ii) it is smooth and meaty in texture, has a fair to good body, not excessively weak but not firm or stiff,
  - (iii) it is not too open and has no bad ragged holes or gas holes,
  - (iv) it is of a uniform colour,
  - (v) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes, and
  - (vi) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean and sound;
- (b) Canada Second Grade washed curd cheddar cheese is cheese that does not qualify for Canada First Grade, but contains, on a dry basis, not less than forty-eight per cent milk fat and no fat other than that of milk, has a minimum total score of eighty-seven with a minimum score for flavour of thirty-seven and may have the following characteristics:
  - (i) the flavour is fruity or unclean, or slightly rancid, or slightly "off", or "off" or turniplike, or is otherwise objectionable,
  - (ii) the texture is mealy or very weak, very pasty, acidic, or too firm or stiff,
  - (iii) it is very open or very loose, or has bad ragged holes or gas holes,
  - (iv) it is uneven in colour or slightly mottled, or has a shade otherwise objectionable, and
  - (v) it is irregular in size, or not smoothly finished without conspicuous cracks or decidedly rough appearance;
- (c) Canada Third Grade washed curd cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk, is not classed as Below Canada Third Grade but has a total score of less than eighty-seven with a score for flavour of less than thirty-seven and may have the following characteristics:
  - (i) the flavour is rancid or very objectionable,
  - (ii) the texture is very firm, very mushy or very acidic but not leaking,
  - (iii) it is porous, or very gassy or very ragged,
  - (iv) the colour is very uneven or very mottled,

**Canada Dairy Products Act—continued**

- (v) it is decidedly rough in appearance, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from Canada Second Grade, but not sufficiently damaged to be classed Below Canada Third Grade, and
- (vi) it is otherwise inferior to Canada Second Grade;
- (d) Below Canada Third Grade washed curd cheddar cheese is cheese that contains, on a dry basis, not less than forty-eight per cent milk fat, no fat other than that of milk and has any of the following characteristics:
  - (i) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, or stinkweed or other strong weedy flavours comparable to stinkweed,
  - (ii) the texture is crumbly or very dry or very acidic or is leaking,
  - (iii) it is very porous,
  - (iv) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese,
  - (v) it is seriously damaged by vermin or otherwise, and
  - (vi) it is otherwise inferior to Canada Third Grade or foreign matter is found in it by the grader at the time of grading.

3. The point scores referred to above are governed by the following table of maximum points:

<i>Characteristics</i>	<i>Maximum Points</i>	
Flavour .....	45	points
Texture .....	25	"
Closeness .....	15	"
Colour .....	10	"
Finish .....	5	"
<hr/>		
Total .....	100	points

**III. DRY SKIMMED MILK**

1. The standards for the grades for dry skimmed milk established by section 34 are as follows:

- (a) dry skimmed milk of each grade shall comply with the following standards:
  - (i) it shall be reasonably uniform in composition and the colour shall be white or light cream and substantially free from brown specks,
  - (ii) its flavour and odour, before or after reconstitution, shall be sweet and clean and free from any objectionable flavour or odour,
  - (iii) it shall have an acidity on reconstitution of not less than eleven one-hundredths of one per cent (expressed as lactic acid),
  - (iv) it may contain added Vitamin D,
  - (v) it shall contain not less than ninety-five per cent by weight of milk solids, and
  - (vi) it shall contain no fat other than that of milk;



**Canada Dairy Products Act—concluded**

- (b) Canada First Grade Dry Skimmed Milk is dry skimmed milk that
- (i) complies with the standards set forth in paragraph (a),
  - (ii) is entirely free from hard lumps and from any scorched or storage flavour or odour before or after reconstitution, and
  - (iii) when analyzed in accordance with a method prescribed by the Minister, meets the following standards of composition:

	<i>Spray Process Not to Exceed</i>	<i>Roller Process Not to Exceed</i>
Fat .....	1.2 per cent	1.2 per cent
Moisture .....	4.0 per cent	4.0 per cent
Acidity (Reconstituted Basis) .....	0.15 per cent	0.15 per cent
Solubility Index .....	1.2 ml.	....
Bacteria (Reconstituted Basis) ....	10,000 per ml.	10,000 per ml.
Sediment .....	Disc. No. 3	Disc. No. 3

provided that dry skimmed milk which has been processed by a method approved by the Minister and which materially improves the ease of reconstitution, (recombining with water) may contain not more than 5 per cent by weight of water;

- (c) Canada Second Grade Dry Skimmed Milk is dry skimmed milk that
- (i) complies with the standards set forth in paragraph (a),
  - (ii) is reasonably free from hard lumps and has only a slight scorched or storage flavour or odour before or after reconstitution, and
  - (iii) when analyzed in accordance with a method prescribed by the Minister, meets the following standards of composition:

	<i>Spray Process Not to Exceed</i>	<i>Roller Process Not to Exceed</i>
Fat .....	1.5 per cent	1.5 per cent
Moisture .....	5.0 per cent	5.0 per cent
Acidity (Reconstituted Basis) .....	0.17 per cent	0.17 per cent
Solubility Index .....	2.0 ml.	....
Bacteria (Reconstituted Basis) ....	30,000 per ml.	30,000 per ml.
Sediment .....	Disc. No. 4	Disc. No. 4

**FORMS**

Schedule B—Box specifications.

Schedule C—Reinforcement of boxes.

Schedule D—Form of grade certificates.

Schedule E—Form of application for registration of a factory.

Schedule F—Factory registration numbers.

Schedule G—Grade marks.

Schedule H—Cheddar cheese brands.

Copies of Schedules B to H inclusive, may be obtained from Dairy Products Division, Marketing Service, Department of Agriculture, Ottawa.

**CANADA ELECTIONS ACT. (R.S.C., 1952, c. 23)**

1. *Canadian Forces Voting Regulations.*
2. *Canadian Prisoners of War Voting Regulations, 1951.*
3. *Fees and expenses of election officers*

**1. Canadian Forces Voting Regulations**

*The Canadian Forces Voting Regulations* (to enable Canadian electors on Defence Services and veterans receiving treatment or domiciliary care in certain hospitals or institutions to exercise their franchise at a general election) are contained in Schedule Three to the Act.

**2. Canadian Prisoners of War Voting Regulations, 1951**

*The Canadian Prisoners of War Voting Regulations, 1951* (to enable persons eligible to vote under the Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in the Canada Elections Act), are contained in Schedule Five to the Act.

**3. Fees and expenses of election officers**

Subsection (1) of section 60 of the Act provides that the Governor in Council may, upon the recommendation of the Chief Electoral Officer, make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under the Act, and may, from time to time, revise and amend such tariff. The tariff in effect on December 31, 1954, is that established by Order in Council P.C. 836 of 12th February, 1952. It is contained in the volume of *General Election Instructions for Returning Officers* (Book A34) and the volume of *By-Election Instructions* (Book A33) issued by the Chief Electoral Officer, copies of which may be obtained from the Queen's Printer, Ottawa. Price: \$1.00 each.

**CANADA FAIR EMPLOYMENT PRACTICES ACT. (1952-53, c. 19)**

No regulations have been made under this statute.

**CANADA FORESTRY ACT. (R.S.C., 1952, c. 24)**

No regulations have been made under this statute.

**CANADA GRAIN ACT. (R.S.C., 1952, c. 25)**

This Act authorizes the Board of Grain Commissioners for Canada to make regulations. Section 19 requires the Board, during the month of August in each year, to publish in the *Canada Gazette*, in consolidated form, all regulations made by the Board under the Act and in effect on the first day of that month. Any amendments to the regulations made between the annual consolidations are also published in the *Canada Gazette* as they arise. Copies may be obtained from the Board of Grain Commissioners for Canada, Winnipeg. The regulations made by the Board and in effect on August 1, 1954 were published in consolidated form at page 1011 of the *Canada Gazette*, Part II of August 25, 1954.

## CANADA LANDS SURVEYS ACT . (R.S.C., 1952, c. 26)

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**1. Canada Lands Surveys Examination regulations**

P.C. 4457

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of November, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Technical Surveys and pursuant to subsection three of section six of the Canada Lands Surveys Act, is pleased to approve the annexed regulations for the examination of candidates for admission as articulated pupils, for Commissions and for Certificates, made by the Board of Examiners under the said Act on October 27, 1952, and the said regulations are hereby approved, effective November 15, 1952, accordingly.

REGULATIONS FOR THE EXAMINATION OF CANDIDATES UNDER THE CANADA  
LANDS SURVEYS ACT FOR ADMISSION AS ARTICLED PUPILS, FOR  
COMMISSIONS AND FOR CERTIFICATES

*Short title*

1. These regulations may be cited as the *Canada Lands Surveys Examination Regulations*.

*Interpretation*

2. In these regulations,
- (a) "Act" means the Canada Lands Surveys Act;
  - (b) "Board" means the Board of Examiners appointed under the Act;
  - (c) "candidate" means an applicant for admission as an articulated pupil, for a Commission or for a Certificate;
  - (d) "examination" means the examination of a candidate;
  - (e) "fee" means a fee prescribed by section fourteen of the Act;
  - (f) "Minister" means the Minister of Mines and Technical Surveys;
  - (g) "preliminary examinations" means the examination for admission as an articulated pupil; and
  - (h) "Secretary" means the Secretary of the Board.

*Annual Examination*

3. (1) An annual examination will be held at Ottawa and in such other centres as may be deemed necessary by the Board on the day following the second Monday in the month of February in each year, and shall continue from day to day until completed.

(2) Notice of the date, places and time at which the annual examination will be held shall be published by the Board in the *Canada Gazette* at least thirty days before the date fixed for the examination.

**Canada Lands Surveys Act—continued**

(3) Every candidate who wishes to be examined at the annual examination shall notify the Secretary in writing at least thirty days before the date fixed for the commencement of the examination, and shall, with such notice, transmit the prescribed fee.

*Other Examinations*

4. (1) Other examinations shall be held by the Board or by Special Examiners at such times and places as the Minister may direct.

(2) Notice of the date at which such examinations will be held shall be published by the Board in the *Canada Gazette* at least eight weeks before the date fixed for each such examination: provided that the Minister may, in special cases, dispense with such publication or direct that notice be given in some other manner.

(3) Candidates who desire to be examined at such examinations shall notify the Secretary in writing at least thirty days before the date fixed for the examination and shall, with such notice, transmit the fee prescribed.

*Preliminary Examinations*

5. Every person who has complied with the requirements of the Act and with the provisions of section three or four of these regulations, as the case may be, is eligible to try the examination as an articulated pupil in the subjects prescribed in Schedule A.

*Examinations for a Commission*

6. (1) Every articulated pupil who has complied with the requirements of the Act and of these regulations respecting eligibility for examination for a Commission, may try the examination in the subjects prescribed in Schedule B.

(2) Every person who, pursuant to paragraph (b) of subsection one of section twenty of the Act, may be granted a Commission under the conditions therein set out, may be required by the Board to pass an examination or examinations in any or all of the subjects prescribed in Schedule B, but in no case may the examinations on the laws governing surveys in the Public Lands of Canada and the regulations made thereunder be omitted from any such examination.

(3) The subjects of the examination required for a person eligible for a Commission under paragraph (c) of subsection one of section twenty of the Act are those prescribed in Schedule A or B or both.

*Examinations for Certificates*

7. Every person who, pursuant to section twenty-two of the Act, may be granted a Certificate as a Dominion Topographical Surveyor and who has otherwise complied with all the requirements of the Act and of these regulations shall, before being entitled to such Certificate, be required to pass an examination in the subjects prescribed in Schedule C.

*Late Applications*

8. Notwithstanding anything in these regulations to the contrary, a candidate who, for a reason satisfactory to the Board, did not inform the Secretary in writing within the time required of his wish to be examined, may present himself for examination at the day, place and time at which



**Canada Lands Surveys Act—continued**

the examination is held, and such candidate may be permitted to take the examination if he is otherwise eligible and if he has complied with the other requirements of the Act and of these regulations, and on payment to the presiding examiner of the prescribed fee; should the reason for such candidate's failure to notify the Secretary as required be not satisfactory to the Board, the Board may refuse to examine such candidate's papers and shall notify the candidate accordingly and return to him the fee paid.

*Attendance at Examinations and Conduct of Candidates*

9. (1) A candidate who presents himself more than fifteen minutes after the specified time of commencement of an examination may be refused admission to the examination by the Examiner or Special Examiner, and such candidate shall be deemed to have failed in that examination.

(2) Candidates shall not bring any books, papers or notes into the examination room.

(3) Candidates shall not receive assistance from nor give assistance to other candidates nor shall they communicate with each other in any manner during an examination, and the Board may annul and cancel the examination of any candidate who fails to comply with this requirement.

*Pass Requirements*

10. The marks required for passing an examination are as specified in Schedule A. B. and C. and the Board may reject any paper on any examination for lack of neatness.

*Supplementary Examinations*

11. (1) A candidate who has failed in not more than one-half of the total number of subjects of any one examination may be permitted to try the examination again at a subsequent examination in the subjects in which he has failed; if, in such supplementary examination, he fails in not more than two subjects, he may be permitted to try an examination in the subjects in which he has failed at the first supplementary examination.

(2) Where a candidate fails in more than two subjects at the first supplementary examination or in any subject at the second supplementary examination, he shall not be permitted any further supplementary examination in these subjects, but such candidate may present himself for the complete examination when such examination is next held.

(3) For the purpose of this section Parts I and II of Schedule C may be considered as two separate examinations, and supplementary examinations may be allowed for each Part.

(4) Where a candidate who has tried an examination under subsection two of section six has not been examined in all the subjects of Schedule B, he may be permitted a supplementary examination if he has failed in one subject only, where he has failed in more than one subject he may be required to pass such further examination as the Board may require.

(5) Candidates for supplementary examinations shall give the notice required by subsection three of section three or subsection three of section four, as the case may be, and the fee payable shall be the fee for a complete examination.

*Fees*

12. An applicant who has not paid the prescribed fee shall not be permitted to try an examination or a supplementary examination.

**Canada Lands Surveys Act—continued**

*Marking of Papers*

13. All examination papers for any examination shall be examined and marked by the Board or by a person appointed by the Board for that purpose.

*Procedures of Examinations*

14. The Board may issue such instructions as it may deem necessary in respect of the procedure in the conduct of examinations, the hours of examinations, the supply of necessary material and equipment, and other related matters.

SCHEDULE A

*Preliminary Examination*

1. Arithmetic and Mensuration
2. Algebra
3. Plane and Solid Geometry
4. Plane Trigonometry and Logarithms
5. Spherical Trigonometry
6. Physics

Time required, three days.

One hundred marks are allotted to each subject. To pass the examination the candidate must obtain fifty per cent of the marks allotted to each subject.

SCHEDULE B

*Final Examination for Dominion Land Surveyor*

1. Analytical Geometry and Trigonometry
2. Differential and Integral Calculus
3. Laws governing Surveys in the Public Lands of Canada
4. Regulations governing Surveys in the Public Lands of Canada
5. Description of Lands for Deeds
6. Preparation of Technical Reports
7. Map Projections, Plans and Draughting
8. Elementary Photogrammetry and Town Planning
9. Astronomy
10. Methods of Surveying; Calculation of Areas and Curves
11. Theory, Adjustment and Use of Instruments
12. Elementary Geology and Mineralogy, and Forests of Western and Northern Canada
13. Practical Surveying and Observing

Time required, six and a half days.

One hundred marks are allotted to each subject. To pass the examination the candidate must obtain seventy-five per cent of the marks allotted to each of the subjects "Laws Governing Surveys in the Public Lands of Canada" and "Regulations Governing Surveys in the Public Lands of Canada"; fifty per cent of the marks are required in each of the other subjects.

**Canada Lands Surveys Act—continued**

The subjects of examination for Commission as a Dominion Land Surveyor for qualified Provincial and British Commonwealth land surveyors in accordance with paragraph (b) of subsection one of section twenty of the Canada Lands Surveys Act, shall be selected from Schedule B and the requirements for passing the examination are as shown therein.

## SCHEDULE C

*Examination for Dominion Topographical Surveyor*

## Part I

1. Algebra
2. Plane and Spherical Trigonometry
3. Analytical Geometry
4. Differential and Integral Calculus
5. Descriptive Geometry and Map Projections
6. Probability and Least Squares  
Time required, three days.

## Part II

7. Geodesy
8. Astronomy (two papers)
9. System of Canada Land Surveys, Governing, Topographical and Exploratory Surveys
10. Theory, Construction and Adjustment of Instruments and Theory of Modern Optical Instruments
11. Gravity and Terrestrial Magnetism
12. Meteorology, Geology and Mineralogy
13. Astronomical Observations  
Time required, three and one-half days.

One hundred marks are allotted to each subject. To pass the examination, the candidate must obtain fifty per cent of the marks allotted to each subject.

**2. Tariff of Fees**

## CANADA LAND SURVEYS ACT

WHEREAS by subsection (2) of section 4 of the Canada Land Surveys Act the Minister of Mines and Technical Surveys may establish a tariff of fees to be charged by the Department of Mines and Technical Surveys for copies of maps, plans, field notes, or any other type of record or document arising from or respecting surveys under the Act.

Now, THEREFORE, I, George Prudham, Minister of Mines and Technical Surveys, by virtue of the powers vested in me by subsection (2) of section 4 of the Canada Land Surveys Act, hereby establish the following tariff of fees to be charged by the Department of Mines and Technical Surveys, for copies of maps, plans, field notes, or any other type of record or document arising from or respecting surveys under this Act, the said tariff to be effective April 1, 1954.

**Canada Lands Surveys Act—concluded**

*Tariff of Fees*

1. Photostatic copies of field notes or other material, 12" x 18" or smaller:
 

Negative .....	20 cents each
Prints .....	20 cents each
2. Photostatic copies of plans or other material, over 12" x 18", less than 18" x 24":
 

Negative .....	40 cents each
Prints .....	40 cents each
3. Blue, or OCE, prints of plans ..... 5 cents per square foot
4. Blue line prints of plans, from existing negative ..... 5 cents per square foot
5. Vandyke prints of plans, from existing negative ..... 10 cents per square foot
6. Sensitized linen prints of plans, from existing negative ..... \$1.10 per square foot
7. Printed copies of Settlement Plans ..... 25 cents to \$1.50
8. Printed copies of Town Plot Plans ..... 50 cents to \$1.50
9. Printed copies of Bench Claims in Yukon Territory ..... 50 cents to \$1.00

GEORGE PRUDHAM,

*Minister of Mines and Technical Surveys.*

Ottawa, 22nd March, 1954.

**CANADA MEDICAL ACT. (R.S.C., 1952, c. 27)**

Rules and Regulations relating to registration under the *Canada Medical Act* were made by the Medical Council of Canada on September 8, 1952, and approved by the Governor in Council on March 12, 1953, (Order in Council P.C. 354). These rules and regulations and information respecting the examinations of the Medical Council of Canada may be obtained from the Registrar, The Medical Council of Canada, Medical Arts Building, 180 Metcalfe Street, Ottawa.

**CANADA PRIZE ACT. (R.S.C., 1952, c. 28)**

Rules of practice and procedure in prize matters were established for the Exchequer Court of Canada, on its Admiralty side, by Order in Council P.C. 2682 of 14th September, 1939. By section 11(2) of the *Canada Prize Act*, it is provided that general orders and rules in force at the time of the commencement of this Act in respect of the exercise of jurisdiction in prize by the Court and the practice and procedure therein shall, except in so far as inconsistent with the Act or orders or regulations made under this Act, be deemed to have been re-enacted under this Act immediately after this Act came into force and shall govern the exercise by the Court of the prize jurisdiction conferred on it by this Act until revoked or amended. *The Prize Court Rules, 1939*, may be obtained from the Queen's Printer, Ottawa. Price 50 cents.



## CANADA SHIPPING ACT. (R.S.C., 1952, c. 29)

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**1. Passenger Steamships Fire Protection Regulations**

P.C. 1896

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of April, 1950.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by subsection one of section 405 of the Canada Shipping Act, 1934, is pleased to make the annexed Regulations respecting the Precautions to be taken against Fire in Passenger Steamships, and they are hereby made and established accordingly.

1. These regulations may be cited as the *Passenger Steamships Fire Protection Regulations*.

INTERPRETATION

2. In these regulations—

- (a) "Board" means the Board of Steamship Inspection;
- (b) "existing ship" means a ship which is not a new ship;
- (c) "fire resisting bulkhead" means a bulkhead constructed of metal or other approved construction capable of resisting and preventing for one hour the spread of fire generating a temperature of 1500 degrees Fahrenheit at the point of contact;
- (d) "fire resisting material" means any material capable of resisting and preventing for at least thirty minutes the spread of fire generating a temperature of 1500 degrees Fahrenheit at the point of contact;
- (e) "Minister" means the Minister of Transport and includes the Deputy Minister of Transport; and
- (f) "new ship" means a ship the keel of which is laid on or after the coming into force of these regulations.

**Canada Shipping Act—continued**

## APPLICATION

3. These regulations apply to all passenger steamships registered in Canada employed in home-trade, inland or minor waters voyages—

- (a) which are certified to carry more than twenty-five berthed passengers or more than fifty berthed and unberthed passengers; or
- (b) which do not carry berthed passengers but are certified to carry more than one hundred unberthed passengers and the length of the voyage from the point of commencement to the farthest outward point exceeds fifteen miles or the distance from shore at any time exceeds five miles.

## FIRE RESISTING BULKHEADS

4. (1) In every ship the spaces appropriated for the use of passengers and crew shall be so arranged on the decks, sides and ends that fire will be prevented from travelling from one deck to another.

(2) Wooden structures in existing ships appropriated for the use of passengers and crew shall be lined with fire resisting material.

(3) Fire resisting bulkheads shall extend from side to side of the ship and shall be continuous from the main hull to the uppermost part of the structure and be arranged within the spaces appropriated to passengers and crew so that the length of the spaces between such bulkheads shall not exceed one hundred and thirty-one feet.

(4) Openings shall not be permitted in fire resisting bulkheads except where they are necessary to provide passageways, and all such openings shall be fitted with doors which shall be fire resisting when closed. Such doors shall be so arranged that they may readily be opened or closed from both sides of the bulkhead. They shall be of self-closing type, fitted with simple means of release from the open position, and capable of resisting for one hour a fire on either side of an intensity of 1500 degrees Fahrenheit without warping.

(5) Plans showing the arrangement of bulkheads shall be submitted to and approved by the Board.

(6) In all cases where steps or recesses are necessary in fire resisting bulkheads, the decks in way of such steps or recesses shall be made fire resisting.

(7) In ships which carry automobiles between decks the length of the space in which the automobiles are stowed shall comply with the provisions of subsection three.

(8) In the case of railway car ferries, where it is impracticable to fit fire resisting bulkheads on the car deck, the car deck shall be completely isolated from the passenger spaces by fire resisting bulkheads, doors and decks.

(9) Exits shall be provided from spaces between fire resisting bulkheads and shall be independent of the doors in such bulkheads. They shall be so arranged that they will not act as conductors of fire from one deck to another. Such exits shall be so arranged that all passengers accommodated within spaces which are bounded by fire resisting bulkheads shall be able to escape from such spaces to an open deck or to spaces within other compartments which will lead to an open deck or to a place of safety.

**Canada Shipping Act—continued**

(10) Open ventilating trunks leading from one deck to another are prohibited.

(11) Ships in which the main hull is constructed of wood shall be fitted below the main deck with fire resisting bulkheads separating the hold spaces from the machinery and boiler spaces.

(12) Where the hull is of steel the bulkheads below the bulkhead deck shall be spaced to conform to the requirements of subsection three regarding the spacing of fire resisting bulkheads.

(13) In all ships the galley shall be separated from the passenger spaces by fire resisting bulkheads. Dumb waiters or elevators shall be enclosed by fire resisting bulkheads and doors.

(14) Casings forming trunks from machinery and boiler spaces shall be fire resisting where they pass through passenger spaces.

(15) The material used for lining decks, sides and ends of spaces shall be fire resisting material.

(16) Steel bulkheads suitably stiffened shall be considered fire resisting bulkheads provided they are not lined with inflammable material. Where any such bulkheads are in contact with or in close proximity to inflammable material they shall be suitably insulated in way of such material.

(17) In the case of new ships plans showing the arrangement of all bulkheads and other arrangements for protection against the spread of fire shall be submitted to and approved by the Board before construction is commenced.

PAINTING

5. Paints, varnishes and other preparations of a highly inflammable nature, such as those having a nitro-cellulose base, shall not be used in ships.

AUTOMATIC SPRINKLERS AND FIRE ALARM SYSTEMS

6. (1) Every ship shall be fitted with an automatic sprinkler and automatic fire alarm system which shall be effective for the protection against fire of all enclosed parts of the ship.

(2) Sprinkler systems shall be automatic in operation and shall be so arranged that they will always be kept charged at the pressure required for each such system, and shall have provision for an immediate and continuous supply of water at that pressure.

(3) Sprinkler and fire alarm systems shall be subdivided into sections and automatic alarms shall be provided to indicate, at one or more points in the ship, the occurrence of fire and the location of the fire.

(4) The alarm indicators shall be situated at stations which shall be kept constantly manned when passengers are on board the ship.

(5) The pump or pumps for the sprinkler system shall be so arranged that they will immediately be brought into action by a pressure drop in the system.

(6) Each pump shall be capable of maintaining a sufficient supply of water at the required pressure to the sprinkler heads while such number of sprinkler heads, as may be decided by the Board, are in operation.

(7) Sprinkler heads shall be required to operate at appropriate temperatures which shall be decided by the Board.



**Canada Shipping Act—continued**

(8) Means shall be provided for periodic testing of all sprinkler and fire alarm systems.

(9) Every ship shall carry a sufficient supply of spares for renewal of valves in sprinkler heads which may have been in operation.

(10) There shall be provided auxiliary means of connecting the sprinkler system and fire mains to fire equipment on shore when a ship is tied up at a dock with passengers on board, but connections to shore equipment need only be made when the ship is to remain at the dock for more than one hour. In such circumstances, if the ship's pumping system is not in operation, connection should be made immediately on tying up.

**PUBLIC ADDRESS SYSTEMS**

7. (1) Every ship certified to carry more than one hundred passengers shall be provided with an effective public address system for use in directing the passengers and crew in cases of emergency. Such system shall be provided with at least two announcing stations fitted in widely separated parts of the ship, and effective loud speakers shall be fitted throughout to the approval of the Board.

(2) The public address system shall be maintained in good order and shall be tested before a ship leaves port and daily throughout the voyage.

(3) The officers in charge of the various departments in a ship shall be trained in the use of the public address system.

**SHIPS TIED UP AT DOCKS—EXITS AND ALARM SYSTEMS**

8. (1) Every ship when tied up at a dock with passengers on board shall be provided with more than one means of exit from ship to shore. Where the conditions of service will permit, these means of exit shall be provided by adequate gangways, and means of access to these gangways shall be provided from the various decks in the ship. Where the conditions of operation will not permit of the use of more than one gangway, adequate means of escape shall be provided so that passengers will be able to reach places of safety in case of fire.

(2) Suitable means shall be provided, where a ship with passengers on board is to be tied up at a dock for a period exceeding one hour, for connection to fire alarm systems on shore or, where there is no fire alarm system, to the local telephone system, and such means shall be connected immediately on the arrival of the ship.

**PATROL**

9. (1) In every ship an efficient and continuous fire patrol shall be maintained and arrangements shall be made whereby the patrol shall report periodically to the officer in charge.

(2) The maintenance of a patrol at all times while passengers are on board shall be the responsibility of the master and the owner.

**MUSTERS**

10. (1) The master of every ship shall cause a list to be prepared specifying the duty of every member of the crew, the stations to which they shall report in case of emergency, and the signals calling them to

**Canada Shipping Act—continued**

these stations. He shall be responsible for training members of the crew in their duties with regard to the safety of the ship and passengers, which duties shall include:—

- (a) warning passengers and marshalling them to the muster stations, or to places of safety, seeing that passengers are dressed and wearing their lifejackets, controlling their movements, and keeping order in the passageways and stairways;
- (b) manning the fire stations, closing the fire doors and carrying out the duties for the extinction of fire which are assigned to them at their stations, or at any other station to which they may be directed by the officer in charge;
- (c) manning and launching the lifeboats and launching other life saving appliances in case of an emergency which necessitates abandoning the ship.

(2) The crew shall be regularly drilled in the duties assigned to them and such drills shall be held at intervals of not more than one week.

(3) Where replacements of members of the crew are effected the master shall ensure that every new member shall receive instructions from the officer in charge and the master shall satisfy himself that every member of the crew is properly trained and fully conversant with his duties in case of emergency.

(4) A record of every drill shall be entered in the official log book or, where an official log book is not required, shall be kept in a permanent manner and particulars of the extent of the drill and the results obtained shall be recorded.

(5) Copies of the muster list shall be posted in the crew's quarters and in other conspicuous parts of the ship and shall be kept so posted while the ship is in service.

(6) Printed notices and diagrams showing the location of fire fighting equipment and life saving appliances shall be posted in conspicuous places throughout the ship, and passageways shall be clearly marked to indicate to passengers how to reach their muster stations and how to conduct themselves on arrival there. The signals for mustering the passengers shall be clearly indicated to them on notices which shall be posted in their cabins and other passenger spaces. These signals shall be made by the use of the ship's whistle and by means of manually controlled alarms fitted throughout the ship in such positions that the alarms will be heard in every space occupied by the passengers and crew.

11. In the case of an existing ship where the Board considers that these regulations should not be fully applied, the Board may, with the approval of the Minister, and subject to such conditions as the Board may impose, permit departures from any of the requirements of these regulations if the Board is satisfied that when such conditions have been complied with the ship may be safely operated.

**Canada Shipping Act—continued****2. Regulations relating to the examination of engineers**

P.C. 3280

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of June, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 126 of the Canada Shipping Act, 1934, is pleased to order as follows:

1. The Regulations relating to the issue of certificates of competency to Engineers of vessels propelled by internal combustion engines, established by Order in Council P.C. 1190 of 11th July, 1924, and the Regulations relating to the Examination of Engineers established by Order in Council P.C. 3055 of 8th July, 1948, are hereby revoked; and

2. The annexed "Regulations relating to the Examination of Engineers" are hereby made and established in substitution for the regulations hereby revoked.

## REGULATIONS RELATING TO THE EXAMINATION OF ENGINEERS

1. In these regulations and in the schedules hereto—

- (a) "Board" means the Board of Steamship Inspection;
- (b) "brake horse power" as applied to motor-driven ships, means the maximum brake horse power as rated by the manufacturer of the engine;
- (c) "combined certificate" means the certificate granted to a candidate who has passed examination both in steam and in motor of the same grade;
- (d) "day work" means service performed on the overhaul of machinery in an engine room or boiler room, or on important auxiliaries outside the engine room or boiler room;\*
- (e) "endorsement" means the endorsement given when the holder of a First, Second or Third Class certificate, either steam or motor, passes an examination for the other type of certificate in a lower grade;
- (f) "engineer on the watch" means the senior engineer in charge of the entire watch, or second in seniority on ships propelled by two or more sets of engines or on large, single-screw ships where there are three or more engineers on regular watch at the same time, but service performed below this rank, or as engineer on the watch in the boiler room, will be given special consideration by the Board, each case to be treated on its merits;
- (g) "fitting-out" means time served preparing the engines of a ship for operation;
- (h) "improver boilermaker" means a person who has acquired through training other than an apprenticeship, experience which in the

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\* This definition applies only with regard to certificates valid in Canada.

**Canada Shipping Act—continued**

opinion of the Board is acceptable in part in lieu of the apprenticeship training required for the various grades of certificate, each case to be considered on its merits;

- (i) "improver machinist" means a person who has acquired through training other than an apprenticeship, experience which in the opinion of the Board is acceptable in whole or in part in lieu of the apprenticeship training required for the various grades of certificate, each case to be considered on its merits;
- (j) "laying-up" means time served preparing the engines of a ship for lay-up;
- (k) "machine shop service" includes work of a suitable nature performed outside the machine shop;
- (l) "motor dredge" means a dredge, the primary power plant of which consists of internal combustion engines;
- (m) "motor ship" means a ship driven by internal combustion engines;
- (n) "nominal horse power" as applied to steam-driven ships, means
  - (i) in the case of reciprocating, steam-driven engines, the figure obtained by adding together the squares of the diameters of the cylinders, taken in inches, and dividing the sum by 30, provided that, if a candidate so desires, it may be computed by the following formula:

$$\text{N.H.P.} = \frac{(3H + D^2\sqrt[3]{S})\sqrt[3]{P}}{700}$$

where H=heating surface of main boilers, in square feet,  
 D=diameter of low pressure cylinder, in inches,  
 S=length of stroke of engine, in inches,  
 P=pressure of main boilers, in pounds per square inch:

- (ii) in the case of turbine engines, the number which, in the opinion of the Board, bears the same ratio to the actual power developed in the turbine engine as the nominal horse power of a reciprocating, steam-driven engine bears to the actual power developed in that engine;
- (o) "recognized" means recognized by the Board;
- (p) "routes" when the reference is to
  - (i) Class 1, means voyages where the ports of call are at least 500 miles apart, other than voyages on "lakes or rivers" as herein defined, and foreign-going voyages as defined in the Regulations relating to the Examination of Engineers in the Mercantile Marine, issued by the British Ministry of Transport;
  - (ii) Class 2, means voyages where the ports of call are less than 500 miles apart, other than voyages on "lakes or rivers" as herein defined, and home-trade voyages as defined in the Regulations relating to the Examination of Engineers in the Mercantile Marine, issued by the British Ministry of Transport;
  - (iii) "lakes or rivers" means voyages on lakes or rivers;



**Canada Shipping Act—continued**

- (q) "school of applied science" means any Canadian educational institution which conducts a three-year science course leading to a degree in mechanical engineering;\*\*
- (r) "steam dredge" means a dredge, the primary power plant of which consists of boilers and steam machinery;
- (s) "steam ship" means a ship driven by steam engines;
- (t) "technical school" means any Canadian marine technical school with an engineering laboratory equipped to provide an approved course in the theory and practice of marine engineering;\*\*
- (u) "watch" means a watch totalling not less than eight hours a day.

## PART I

## CERTIFICATES VALID IN CANADA

2. (1) The qualifications of candidates for examination for Fourth Class certificates (steam and motor) valid in Canada are as set forth in Schedule A.

(2) The syllabus for examinations for Fourth Class certificates (steam and motor) valid in Canada is as set forth in Schedule F.

3. (1) The qualifications of candidates for examination for Third class certificates (steam and motor) valid in Canada are as set forth in Schedule B.

(2) The syllabus for examination for Third Class certificates (steam and motor) valid in Canada is as set forth in Schedule G.

4. (1) The qualifications for candidates for examination for Second Class certificates (steam and motor) valid in Canada are as set forth in Schedule C.

(2) The syllabus for examination for Second Class certificates (steam and motor) valid in Canada is as set forth in Schedule H.

5. (1) The qualifications of candidates for examination for First Class certificates (steam and motor) valid in Canada are as set forth in Schedule D.

(2) The syllabus for examination for First Class certificates (steam and motor) valid in Canada is as set forth in Schedule I.

6. (1) The examinations for First and Second Class certificates valid in Canada are divided into two Parts, as follows:

A — (1) Practical Mathematics

(2) Drawing or sketch

B — (1) Engineering Knowledge

(2) Oral

(2) A candidate may take the whole examination at one time, or he may take Part A only, but may not take Part B alone unless he has completed Part A. A candidate who has failed in one subject of Part A need

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\*\*Special consideration will be given to educational institutions recognized by the British Ministry of Transport.

**Canada Shipping Act—continued**

be re-examined only in the subject in which he has failed. A candidate who has failed in one subject in Part B shall be re-examined in the whole of Part B.

(3) The Board may allow a candidate who has completed his machine shop service, or has satisfactorily completed a course at a recognized school of applied science, or a recognized technical school, to take Part A of the examination for a Second Class certificate at any time.

(4) The Board may allow a candidate who has completed his machine shop service, or has satisfactorily completed a course at a recognized school of applied science, or a recognized technical school, to take Part A of the examination for a First Class certificate at any time after he has obtained his Second Class certificate.

*Calculation of Service*

7. A candidate's time will be computed according to the calendar month, e.g. June 15th to July 14th, inclusive, shall be computed as one month; odd days after the completion of any number of months will be counted as such, and reckoned at 30 days to the month; the day on which a candidate signs on and the day on which he signs off shall be counted.

*Testimonials*

8. (1) Proof of machine shop service shall be submitted in the form of testimonials, which should specify the work on which a candidate was employed, with the period of time spent in each branch (e.g. fitting at the bench or on the job, erecting on new construction, operation of lathes, shapers, milling machines); they should also testify to the candidate's ability and conduct and should be signed by the employer or his representative.

(2) Proof of service on board ship shall be submitted in the form of discharges, where articles are signed, and testimonials, with the exception of service as oiler or fireman on watch when testimonials need not be submitted other than where fitting-out or laying-up time is claimed.

(3) Testimonials for sea service should state the nature of the duties performed, rank on watch, number of engineers simultaneously on watch on the boilers or the main propelling machinery; they should also testify to the candidate's ability and conduct, and should be signed by the master, the superintendent, or the owner's representative, and by the chief engineer.

*Application Forms*

9. Application forms may be obtained from a Steamship Inspector, and application for examination should be made to the Steamship Inspection office in the district where a candidate resides, or to the Board of Steamship Inspection, Ottawa. The application should be accompanied by proof of service and the testimonials required by these regulations.

*Fees*

10. The fee for examination for any grade of certificate is \$5.00, which will include one re-examination.

**Canada Shipping Act—continued**

## PART II

## CERTIFICATES VALID IN CANADA AND THE UNITED KINGDOM

11. (1) The qualifications of candidates for examination for First and Second Class certificates valid in Canada and the United Kingdom are as set forth in Schedule E.

(2) The syllabus for examinations for First and Second Class certificates valid in Canada and the United Kingdom is as set forth in Schedule J.

12. (1) The examination of candidates for Second Class certificates valid in Canada and the United Kingdom is divided into two parts, as follows:

- A— (i) General engineering science  
                     (applied mechanics) .....—one paper—3 hours
- (ii) Heat and heat engines .....—one paper—3 hours
- (iii) Drawing .....—one paper—6 hours
- B— (i) (a) Electrotechnology        }
- (b) Elementary naval        } .....—one paper—3 hours
- architecture
- \*(ii) (a) Engineering knowledge ...—two papers—3 hours each
- (b) Oral.

(2) Candidates may be exempted from Part A or some portion of it, and may take the examination in separate parts, as follows:

- (a) A candidate who has attended the full course at a recognized school of applied science and has obtained a science degree will be granted exemption from all subjects in Part A covered by his degree.
- (b) A candidate may present himself either for the whole of Part A of the examination, or, if exempted under paragraph (a) from two subjects of the examination for the remaining subject at any time after he has completed the necessary workshop service.
- (c) A candidate who has not been exempted under paragraph (a) from Part A or a part of it, and who, when taking Part A, passes in two subjects only, will not be required to take these subjects again and may present himself for re-examination in the remaining subject at any time; if he passes in one subject only, he is required to take the whole Part on re-examination.
- (d) A candidate may take Part B at any time after he has completed the necessary period of qualifying workshop and sea service, provided that he also takes at the same time the whole of Part A of the examination, or such subjects in that Part in which he has not already passed, or from which he has not been exempted under paragraph (a).
- (e) A candidate will not be given a pass in Part B, or in either section of Part B unless he completes Part A at the same time as Part B, or has previously completed it.
- (f) A candidate who completes, or has completed, Part A, and who, when taking Part B, passes in section (i), Electrotechnology and

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\* In the examination for a combined Steam and Motor certificate, a third 3-hour paper in Engineering Knowledge is set.

**Canada Shipping Act—continued**

Elementary Naval Architecture, but fails in section (ii), Engineering Knowledge and Oral, will be given a pass in section (i) and may sit for re-examination in section (ii) at any time.

- (g) A candidate who completes, or has completed, Part A, and who, when taking Part B, passes in section (ii), Engineering Knowledge and Oral, but fails in section (i), Electrotechnology and Elementary Naval Architecture, will be given a pass in section (ii) and may sit for re-examination in section (i) at any time.

13. (1) The examination of candidates for First Class certificates valid in Canada and in the United Kingdom is divided into two Parts, as follows:

- A— (i) General engineering science  
           (applied mechanics) .... —one paper—3 hours  
      (ii) Heat and heat engines .... —one paper—3 hours  
 B— (i) (a) Electrotechnology }  
       (b) Elementary naval } ... —one paper—3 hours  
           architecture }  
      \*(ii) (a) Engineering knowledge ..—two papers—3 hours each  
           (b) Oral.

(2) Candidates may be exempted from Part A or a part of it, and may take the examination in separate parts, as follows:

- (a) A candidate who has been exempted from the Second Class examination in General Engineering Science, or Heat and Heat Engines, or both, will also be exempted from this examination in either or both of these subjects.  
 (b) A candidate possessing a Second Class certificate will be allowed to take either the whole of Part A, or, if exempted under paragraph (a) from one subject, the remaining subject at any time.  
 (c) A candidate who has not been exempted under paragraph (a) from Part A or part of it, and who, when taking Part A, passes in one subject only, will not be required to take that subject again, and may sit for the remaining subject at any time.  
 (d) A candidate may take Part B at any time provided that he holds a Second Class certificate and has completed the necessary period of qualifying sea service, and provided also that he takes at the same time either the whole of Part A of the examination, or such subject in that Part in which he has not already passed, or from which he has not been exempted under paragraph (a).  
 (e) A candidate will not be given a pass in Part B, or in either section of Part B, unless he completes Part A at the same time as Part B, or has previously completed it.  
 (f) A candidate who completes, or has completed, Part A, and who, when taking Part B, passes in section (i), Electrotechnology and Elementary Naval Architecture, but fails in section (ii), Engineering Knowledge and Oral, will be given a pass in section (i) and may sit for re-examination in section (ii) at any time.  
 (g) A candidate who completes, or has completed, Part A, and who, when taking Part B, passes in section (ii), Engineering Knowledge

\* In the examination for a combined Steam and Motor certificate, a third 3-hour paper in Engineering Knowledge is set.



**Canada Shipping Act—continued**

and Oral, but fails in section (i), Electrotechnology and Elementary Naval Architecture, will be given a pass in section (ii) and may sit for re-examination in section (i) at any time.

14. (1) Examinations for endorsement of First and Second Class certificates valid in Canada and the United Kingdom consist of:

- (a) One written paper—3 hours—Engineering Knowledge
- (b) Oral

(2) The syllabuses for examination for endorsements are contained in Schedule J.

15. Failure in subjects, ignorance of which might lead to errors of commission or omission and consequent risk and danger (e.g. questions on manipulation and reading of the water gauge, the danger of fire and explosion in steam and motor vessels, etc.), will be regarded as failure in practical knowledge, and any candidate so failing will not be allowed to present himself for re-examination until he can produce proof of further service at sea in a qualifying capacity. The period of the further service will be assessed in each case by the Board, but will not exceed six months.

16. (1) A candidate who fails through ignorance of fundamental principles, or on account of general defectiveness in the examination, will not be allowed to present himself for re-examination until a period of time, to be fixed by the Board, has elapsed; such period will in no case exceed three months.

(2) A candidate may present himself for re-examination at any time, but if he fails three times in Part A, or three times in Part B subsequent to passing Part A of the examination within any period of three months, he will not be re-examined until after a lapse of three months from the date of the last failure.

17. The fee for any grade of certificate is \$5.00, which will include one re-examination.

*The Schedules and Appendices referred to in these regulations are as follows. Copies thereof may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.*

Schedule A—Qualifications for Examination for Fourth Class Certificates

Schedule B—Qualifications for Examination for Third Class Certificates

Schedule C—Qualifications for Examination for Second Class Certificates

Schedule D—Qualifications for Examination for First Class Certificates

Schedule E—Qualifications for Examination for First and Second Class Certificates Valid in Canada and the United Kingdom

Schedule F—Syllabus—Fourth Class Certificates

Schedule G—Syllabus—Third Class Certificates

Schedule H—Syllabus—Second Class Certificates

Schedule I—Syllabus—First Class Certificates

Schedule J—Syllabus—First and Second Class Certificates Valid in Canada and the United Kingdom

Appendix A—Reading the Water-Gauge

Appendix B—Engineering Data

**Canada Shipping Act—continued**

Appendix C—Text Books

Appendix D—Extra First Class Certificates

Appendix E—Syllabus for Extra First Class Examination

Appendix F—Suggested Form of Testimonials For Sea Service for a Certificate Valid in Canada

Appendix G—Suggested Form of Testimonial for Sea Service for a Certificate Valid in Canada and the United Kingdom

**3. Certification of Able Seamen Regulations**

P.C. 3843

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 21st day of August, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 228A of the Canada Shipping Act, 1934, is pleased to order as follows:

1. Order in Council P.C. 1481 of 5th May, 1950, which established the Certification of Able Seamen Regulations, is hereby revoked; and
2. The annexed regulations entitled the "Certification of Able Seamen Regulations" are hereby made and established.

**CERTIFICATION OF ABLE SEAMEN REGULATIONS**

1. These regulations may be cited as the *Certification of Able Seamen Regulations*.

2. In these regulations "Minister" means the Minister of Transport.

3. No person shall be engaged in Canada on any vessel as an able seaman unless he holds a certificate of qualification as an able seaman granted in accordance with the provisions of these regulations.

4. The Minister may provide for the holding of examinations and for the granting of certificates of qualification as able seaman in such form as the Minister may prescribe.

5. (1) Except as provided in subsection two of this section or in section six no person is eligible to be granted a certificate of qualification as an able seaman unless

- (a) he has reached the age of eighteen years;
- (b) he has served at sea in the deck department for a minimum period of thirty-six months; but the Minister may permit persons with a period of actual service at sea of not less than twenty-four months who have successfully passed through a course of training in a training school, approved by the Minister, to reckon the time spent in such training, or part thereof, as sea service; and
- (c) he has passed an examination for a certificate of qualification to the satisfaction of the examiner.

**Canada Shipping Act—continued**

(2) The Minister may permit persons trained in seagoing training ships, approved by the Minister, who have served eighteen months in such ships, to be granted a certificate of qualification as an able seaman upon leaving in good standing.

6. A candidate for examination for a certificate of qualification as able seaman shall show to the satisfaction of the examiner, by oral examination and by actual demonstration, his knowledge of seamanship and his ability to carry out effectively any of the duties that may be required of an able seaman, including that of a lifeboatman; he shall show that

- (a) he has been trained in all the operations connected with the launching of life boats and life rafts, and knows the construction and function of gravity, radial and quadrantal types of davits;
- (b) he is acquainted with the practical handling of boats under oars or sails under all conditions, and he is able to name the parts and equipment thereof and knows their use;
- (c) he is capable of taking command of a boat's crew;
- (d) he knows the nautical terms in common use; is able to read the compass either in degrees or points according to his experience; has a general knowledge of the Rules of the Road at sea, and distress signals; understands steering orders and the use of the engine room telegraph;
- (e) he is able to make the principal knots, bends, hitches and splices in common use, including the hitches used for the rigging of stagings; he is able to reeve the purchases in common use and understand their purpose; and
- (f) he is able to give satisfactory answers to any other questions pertaining to ship's routine and the duties of an able seaman that the examiner may ask.

7. The certificate of qualification as an able seaman, as provided for under these regulations, may be granted to any person who establishes by certificates of discharge or other proof satisfactory to the Minister, that at the time of the ratification by Canada of the Certification of Able Seamen Convention, 1946, he has served at least three years before the mast on a sea-going ship, but the employment of fishermen on decked deep-sea fishing vessels shall only count as sea service up to the period of two years of such employment, and the certificate shall be granted only if the applicant proves that he had at least one year's sea service in a trading vessel in addition to two or more years' sea service on a decked deep-sea fishing vessel.

8. Certificates of qualification as able seamen granted in other countries that have ratified the Certification of Able Seamen Convention, 1946, shall be recognized and accepted in Canada to the same extent and for the same purpose as certificates of qualification of able seamen granted under these regulations.

9. A person who desires to obtain a certificate of qualification as an able seaman shall make an application to an examiner of Masters and Mates.

10. Every person who engages any person on any vessel as an able seaman who does not hold a certificate of qualification as an able seaman granted under these regulations is guilty of an offence and is liable on

**Canada Shipping Act—continued**

summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment.

**4. Certification of Ships' Cooks Regulations**

P.C. 1953-775

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of May, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 228A of the Canada Shipping Act, 1934 is pleased to revoke Order in Council, P.C. 1483 of 5th May, 1950, whereby certain regulations entitled the "Certification of Ships' Cooks Regulations" were established, and is pleased to make, in substitution therefor, the annexed regulations entitled the "Certification of Ships' Cooks Regulations", and the said annexed regulations are hereby made and established, accordingly.

## CERTIFICATION OF SHIPS' COOKS REGULATIONS

1. These regulations may be cited as the *Certification of Ships' Cooks Regulations*.

2. In these regulations,

- (a) "Minister" means the Minister of Transport;
- (b) "ship" means a ship that is registered in Canada and is engaged in a foreign voyage or in a home-trade voyage extending south of the thirty-sixth parallel of north latitude and is engaged in the transport of cargo or passengers for the purpose of trade; and
- (c) "ship's cook" means the person directly responsible for the preparation of meals for the crew of a ship.

3. (1) No person shall be engaged in Canada as ship's cook on board any ship unless he holds a certificate of qualification as ship's cook, granted by the Minister, in accordance with these regulations.

(2) The Minister may grant exemptions from the provisions of this section in the case of any ship, if in his opinion there is an inadequate supply of certificated ships' cooks.

4. No person is eligible to be granted a certificate as ship's cook unless

- (a) he has reached the age of eighteen years; and
- (b) he has passed the prescribed examination; and either
- (c) he has served at sea as cook's helper for a minimum period of twelve months and, in addition, has completed training during a minimum period of three months in schools for the training of cooks approved by the Minister; or
- (d) the Minister has in lieu of the requirements of paragraph (c) accepted training in such schools during a minimum period of twelve months.



**Canada Shipping Act—continued**

5. (1) The Minister shall make arrangements for the holding of examinations and for the granting of certificates of qualification as ship's cook.

(2) The examination shall provide a practical test of the candidate's ability to prepare meals; it shall also include a test of food values, the drawing up of varied and properly balanced menus, and the handling and storage of food on board ship.

(3) The examination shall be prescribed by the Minister or such persons as he may designate and shall be conducted by such officers of the Department of National Health and Welfare as the Minister may authorize.

6. (1) Section three of these regulations shall be effective and come into force as of, from and after January 1, 1954.

(2) Where a seaman establishes to the satisfaction of the Minister a record of two years' service as cook before these regulations come into force, the Minister may grant such seaman a certificate of service as ship's cook, and the certificate of service shall be accepted in place of a certificate of qualification as ship's cook granted under these regulations.

7. Certificates of qualification or of service as ship's cook, issued outside of Canada in accordance with the provisions of the Certification of Ships' Cooks Convention, 1946, shall be accepted in lieu of certificates of qualification or of service as ships' cooks granted under these regulations.

8. A certificate of qualification or of service granted under these regulations may be endorsed by the Minister, at any time, to show that the holder has completed a refresher course in a school for the training of cooks approved by the Minister.

9. The owner, master, person in charge of a ship, ship's husband, ship's agent or other person who engages in Canada a person to serve as ship's cook on board such ship, when the person so engaged is not the holder of a certificate of qualification or certificate of service granted under these regulations, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

10. The provisions of these regulations shall be complied with in respect of foreign-going ships belonging to the Government of Canada that are registered in Canada and engaged in the transport of cargo or passengers for the purpose of trade.

**5. Regulations for Preventing Collisions at Sea**

P.C. 1953-1287

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of August, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the authority of section 637 of The Canada Shipping Act, 1934, is pleased to order as follows:

**Canada Shipping Act—continued**

1. The Regulations for Preventing Collisions at Sea and for Distress Signals, generally known as the International Rules of the Road, established by Order in Council P.C. 1493 of 8th April, 1948, are hereby revoked, effective January 1, 1954; and

2. The annexed "Regulations for Preventing Collisions at Sea" are hereby made and established, effective January 1, 1954, in substitution for the regulations hereby revoked; the said annexed regulations to apply and to have force in all navigable waters within Canada or within the jurisdiction of the Parliament of Canada except the waters of Lakes Superior and Huron, Georgian Bay, Lakes Erie and Ontario, their connecting and tributary waters and the St. Lawrence River, including the Ottawa River and its tributary waters, as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, Province of Quebec.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA

PART A.—PRELIMINARY AND DEFINITIONS

*Rule 1*

(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c) In the following Rules, except where the context otherwise requires:

- (i) the word "vessel" includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
- (ii) the word "seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water;
- (iii) the term "power-driven vessel" means any vessel propelled by machinery;
- (iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;
- (v) a vessel or seaplane on the water is "under way" when she is not at anchor, or made fast to the shore, or aground;
- (vi) the term "height above the hull" means height above the upper-most continuous deck;
- (vii) the length and breadth of a vessel shall be deemed to be the length and breadth appearing in her certificate of registry;
- (viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

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- (ix) the word “visible”, when applied to lights, means visible on a dark night with a clear atmosphere;
- (x) the term “short blast” means a blast of about one second’s duration;
- (xi) the term “prolonged blast” means a blast from four to six seconds’ duration;
- (xii) the word “whistle” means whistle or siren;
- (xiii) the word “tons” means gross tons.

## PART B.—LIGHTS AND SHAPES

*Rule 2*

- (a) A power-driven vessel when under way shall carry:
  - (i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass ( $225^\circ$ ), so fixed as to show the light 10 points ( $112\frac{1}{2}^\circ$ ) on each side of the vessel, that is, from right ahead to 2 points ( $22\frac{1}{2}^\circ$ ) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
  - (ii) Either forward of or abaft the white light mentioned in subsection (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length, and vessels engaged in towing, shall not be required to carry this second white light but may do so.
  - (iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the lower light shall be forward of the upper one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried then that light shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however, that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.
  - (iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass ( $112\frac{1}{2}^\circ$ ), so fixed as to show the light from right ahead to 2 points ( $22\frac{1}{2}^\circ$ ) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
  - (v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass ( $112\frac{1}{2}^\circ$ ), so fixed as to show the light from right ahead to 2 points ( $22\frac{1}{2}^\circ$ ) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

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- (vi) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.
- (b) A seaplane under way on the water shall carry:
  - (i) In the forepart amidships where it can best be seen a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.
  - (ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
  - (iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

*Rule 3*

(a) A power-driven vessel when towing or pushing another vessel shall, in addition to her sidelights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 66 feet. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light mentioned in Rule 2 (a) (i), except the additional light, which shall be carried at a height of not less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

(b) The towing vessel shall also show either the stern light specified in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam. The carriage of the white light specified in Rule 2 (a) (ii) is optional.

(c) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2 (b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light mentioned in Rule 2 (b) (i), and in a vertical line at least 6 feet above or below such light.

*Rule 4*

(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights required by Rule 2 (a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart and of such a character as to be visible all round



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the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry where they can best be seen, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights specified in Rule 2 (a) (i) and (ii), three lights in a vertical line one over the other not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(d) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall not carry the coloured sidelights, but when making way they shall carry them.

(e) The lights and shapes required to be shown by this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(f) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

*Rule 5*

(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed by Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights specified therein, which they shall never carry. They shall also carry stern lights as specified in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as specified in Rule 3 (b).

(b) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights described in Rule 2 (a) (iv) and (v) and shall be screened as provided in Rule 2 (a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

*Rule 6*

(a) In small vessels, when it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in

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sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points ( $22\frac{1}{2}$  degrees) abaft the beam on their respective sides.

(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

*Rule 7*

Power-driven vessels of less than 40 tons, vessels under oars or sails of less than 20 tons, and rowing boats, when under way shall not be required to carry the lights mentioned in Rule 2, but if they do not carry them they shall be provided with the following lights:

(a) Power-driven vessels of less than 40 tons, except as provided in section (b), shall carry:

- (i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Rule 2 (a) (i) and of such a character as to be visible at a distance of at least 3 miles.
- (ii) Green and red sidelights constructed and fixed as prescribed in Rule 2 (a) (iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points ( $22\frac{1}{2}$  degrees) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

(b) Small power-driven boats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the sidelights or the combined lantern mentioned in subsection (a) (ii).

(c) Vessels of less than 20 tons, under oars or sails, except as provided in section (d), shall, if they do not carry the sidelights, carry where it can best be seen a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

(d) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.

(e) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4 (a) and 11 (e).

*Rule 8*

- (a) (i) Sailing pilot-vessels, when engaged on their station on pilotage duty and not at anchor, shall not show the lights prescribed for other vessels, but shall carry a white light at the masthead

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visible all round the horizon at a distance of at least 3 miles, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 10 minutes.

- (ii) On the near approach of or to other vessels they shall have their sidelights lighted ready for use and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.
- (iii) A sailing pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead and may, instead of the sidelights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other to be used as prescribed above.

(b) A power-driven pilot-vessel when engaged on her station on pilotage duty and not at anchor shall, in addition to the lights and flares required for sailing pilot-vessels, carry at a distance of 8 feet below her white masthead light a red light visible all round the horizon at a distance of at least 3 miles, and also the sidelights required to be carried by vessels when under way. A bright intermittent all round white light may be used in place of a flare.

(c) All pilot-vessels, when engaged on their stations on pilotage duty and at anchor, shall carry the lights and show the flares prescribed in sections (a) and (b), except that the sidelights shall not be shown. They shall also carry the anchor light or lights prescribed in Rule 11.

(d) All pilot-vessels, whether at anchor or not at anchor, shall, when not engaged on their stations on pilotage duty, carry the same lights as other vessels of their class and tonnage.

**Rule 9**

(a) Fishing vessels when not fishing shall show the lights or shapes prescribed for similar vessels of their tonnage. When fishing they shall show only the lights or shapes prescribed by this Rule, which lights or shapes, except as otherwise provided, shall be visible at a distance of at least 2 miles.

(b) Vessels fishing with trolling (towing) lines, shall show only the lights prescribed for a power-driven or sailing vessel under way as may be appropriate.

(c) Vessels fishing with nets or lines, except trolling (towing) lines, extending from the vessel not more than 500 feet horizontally into the seaway shall show, where it can best be seen, one all round white light and in addition, on approaching or being approached by another vessel, shall show a second white light at least 6 feet below the first light and at a horizontal distance of at least 10 feet away from it (6 feet in small open boats) in the direction in which the outlying gear is attached. By day such vessels shall indicate their occupation by displaying a basket where it can best be seen; and if they have their gear out while at anchor, they shall, on the approach of other vessels, show the same signal in the direction from the anchor ball towards the net or gear.

(d) Vessels fishing with nets or line, except trolling (towing) lines, extending from the vessel more than 500 feet horizontally into the seaway



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shall show, where they can best be seen, three white lights at least 3 feet apart in a vertical triangle visible all round the horizon. When making way through the water, such vessels shall show the proper coloured side-lights but when not making way they shall not show them. By day they shall show a basket in the forepart of the vessel as near the stem as possible not less than 10 feet above the rail; and, in addition, where it can best be seen, one black conical shape, apex upwards. If they have their gear out while at anchor they shall, on the approach of other vessels, show the basket in the direction from the anchor ball towards the net or gear.

(e) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus along or near the bottom of the sea, and not at anchor:

- (i) If power-driven vessels, shall show in the same position as the white light mentioned in Rule 2 (a) (i) a tri-coloured lantern, constructed and fixed as to show a white light from right ahead to 2 points ( $22\frac{1}{2}$  degrees) on each bow, and a green light and a red light over an arc of the horizon from 2 points ( $22\frac{1}{2}$  degrees) on each bow to 2 points ( $22\frac{1}{2}$  degrees) abaft the beam on the starboard and port sides, respectively; and not less than 6 nor more than 12 feet below the tri-coloured lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all round the horizon. They shall also show the stern light specified in Rule 10 (a).
- (ii) If sailing vessels, shall carry a white light in a lantern so constructed as to show a clear, uniform, and unbroken light all round the horizon, and shall also, on the approach of or to other vessels show, where it can best be seen, a white flare-up light in sufficient time to prevent collision.
- (iii) By day, each of the foregoing vessels shall show, where it can best be seen, a basket.

(f) In addition to the lights which they are by this Rule required to show vessels fishing may, if necessary in order to attract attention of approaching vessels, show a flare-up light. They may also use working lights.

(g) Every vessel fishing, when at anchor, shall show the lights or shapes specified in Rule 11 (a), (b) or (c); and shall, on the approach of another vessel or vessels, show an additional white light at least 6 feet below the forward anchor light and at a horizontal distance of at least 10 feet away from it in the direction of the outlying gear.

(h) If a vessel when fishing becomes fast by her gear to a rock or other obstruction she shall in daytime haul down the basket required by sections (c), (d) or (e) and show the signal specified in Rule 11 (c). By night she shall show the light or lights specified in Rule 11 (a) or (b). In fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, whether by day or by night, she shall sound the signal prescribed by Rule 15 (c) (v), which signal shall also be used, on the near approach of another vessel, in good visibility.

NOTE.—For fog signals for fishing vessels, see Rule 15 (c) (ix).

*Rule 10*

(a) A vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon



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of 12 points of the compass (135 degrees), so fixed as to show the light 6 points ( $67\frac{1}{2}$  degrees) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such light shall be carried as nearly as practicable on the same level as the sidelights.

NOTE.—For vessels engaged in towing or being towed, see Rules 3 (b) and 5.

(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

*Rule 11*

(a) A vessel under 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least 2 miles.

(b) A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forepart of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible all round the horizon at a distance of at least 3 miles.

(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4 (c) in addition to those prescribed in the appropriate preceding sections of this Rule.

(e) A vessel aground shall carry by night the light or lights prescribed in section (a) or (b) and the two red lights prescribed in Rule 4 (a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

(h) A seaplane aground shall carry an anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

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*Rule 12*

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorized elsewhere under these Rules.

*Rule 13*

(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, or for seaplanes on the water; or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective Governments and duly registered and published.

(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

*Rule 14*

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point upwards, not less than 2 feet in diameter at its base.

*Rule 15*

(a) A power-driven vessel shall be provided with an efficient whistle sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 20 tons or upwards shall be provided with a similar fog-horn and bell.

(b) All signals prescribed by this Rule for vessels under way shall be given:

- (i) by power-driven vessels on the whistle;
- (ii) by sailing vessels on the fog-horn;
- (iii) by vessels towed on the whistle or fog-horn.

(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

- (i) A power-driven vessel making way through the water, shall sound at intervals of not more than 2 minutes a prolonged blast.
- (ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

**Canada Shipping Act—continued**

- (iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.
- (v) A vessel when towing a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manœuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.
- (vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.
- (vii) A vessel aground shall give the signal prescribed in subsection (iv) and shall, in addition, give three separate and distinct strokes on the bell immediately before and after each such signal.
- (viii) A vessel of less than 20 tons, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals, but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.
- (ix) A vessel when fishing, if of 20 tons or upwards, shall at intervals of not more than 1 minute, sound a blast, such blast to be followed by ringing the bell; or she may sound, in lieu of these signals, a blast consisting of a series of several alternate notes of higher and lower pitch.

*Rule 16*

(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.



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PART C.—STEERING AND SAILING RULES

*Preliminary*

1. *In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.*

2. *Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.*

3. *Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.*

*Rule 17*

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows:

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

*Rule 18*

(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20 (b), a seaplane on the water shall be deemed to be a vessel, and the expression "power-driven vessel" shall be construed accordingly.



**Canada Shipping Act—continued***Rule 19*

When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

*Rule 20*

(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

(b) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

*Rule 21*

Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

*Rule 22*

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

*Rule 23*

Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

*Rule 24*

(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(b) Every vessel coming up with another vessel from any direction more than 2 points ( $22\frac{1}{2}$  degrees) abaft her beam, i.e. in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

*Rule 25*

(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

**Canada Shipping Act—continued**

(b) Whenever a power-driven vessel is nearing a bend in a channel where a power-driven vessel approaching from the other direction cannot be seen, such vessel, when she shall have arrived within one-half mile of the bend, shall give a signal by one prolonged blast of her whistle, which signal shall be answered by a similar blast given by an approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

*Rule 26*

All vessels not engaged in fishing shall, when under way, keep out of the way of any vessels fishing with nets or lines or trawls. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

*Rule 27*

In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

PART D.—MISCELLANEOUS

*Rule 28*

(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle, namely:—

One short blast to mean "I am altering my course to starboard."

Two short blasts to mean "I am altering my course to port."

Three short blasts to mean "My engines are going astern."

(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

(c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

*Rule 29*

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or

**Canada Shipping Act—continued**

signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

*Rule 30**Reservation of Rules for Harbours and Inland Navigation*

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

*Rule 31**Distress Signals*

When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

- (a) A gun or other explosive signal fired at intervals of about a minute.
- (b) A continuous sounding with any fog-signal apparatus.
- (c) Rockets or shell, throwing red stars fired one at a time at short intervals.
- (d) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.
- (e) A signal sent by radiotelephony consisting of the spoken word "Mayday."
- (f) The International Code Signal of distress indicated by N.C.
- (g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (h) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).
- (i) A rocket parachute flare showing a red light.

The use of any of the above signals, except for the purpose of indicating that a vessel or a seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

*Note.*—A radio signal has been provided for use by vessels in distress for the purpose of actuating the auto-alarms of other vessels and thus securing attention to distress calls or messages. The signal consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between two consecutive dashes 1 second.

*Rule 32*

All orders to helmsmen shall be given in the following sense: right rudder or starboard to mean "put the vessel's rudder to starboard"; left rudder or port to mean "put the vessel's rudder to port."

**Canada Shipping Act—continued**

**6. Regulations *re* dredging plants on Lower St. Lawrence river and *re* rafts**

P.C. 1953-1962

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of December, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by section 645 of the Canada Shipping Act, is pleased to make the annexed Regulations respecting Dredging Plants on the Lower St. Lawrence River, and respecting Rafts, and they are hereby made and established, effective January 1, 1954, accordingly.

REGULATIONS RESPECTING DREDGING PLANTS ON THE LOWER ST. LAWRENCE RIVER, AND RESPECTING RAFTS

1. (1) The provisions of this section apply to all dredging plants operating in the St. Lawrence River between Lock No. 1, Lachine Canal and Father Point wharf.

(2) Every elevator or bucket ladder dredge and every hydraulic dredge shall from sunrise to sunset show, at its forward and after end on the side on which other vessels are to pass, two black balls or shapes not less than two feet in diameter, suspended one over the other not less than six feet apart and not less than ten feet outside the hull.

(3) Every elevator or bucket ladder dredge and every hydraulic dredge shall from sunset to sunrise show, at its forward and after end on the side on which other vessels are to pass, two red lights suspended one over the other not less than six feet apart and not less than ten feet outside the hull.

(4) Every dipper dredge shall from sunrise to sunset show, at its forward and after end on the side on which other vessels are to pass, two black balls or shapes not less than two feet in diameter, suspended one over the other not less than six feet apart, at a sufficient distance from its side and sufficiently high to ensure that they shall, with the dipper arm and boom athwartship, be visible at all times.

(5) Every dipper dredge shall from sunset to sunrise show, at its forward and after end on the side on which other vessels are to pass, two red lights suspended one over the other not less than six feet apart, at a sufficient distance from its side and sufficiently high to ensure that they shall, with the dipper arm and boom athwartship, be visible at all times.

2. (1) Rafts when drifting or at anchor on the waters of Canada governed by the Regulations for Preventing Collisions at Sea shall from sunset to sunrise show a bright white light visible all around the horizon.

(2) A raft overtaking another raft shall be navigated in such a way as to prevent it from approaching within twenty yards of the raft that is being overtaken.

(3) Every other vessel meeting or overtaking a raft shall keep out of the way of such raft.



**Canada Shipping Act—continued**

(4) Rafts shall be navigated and anchored in such a way as shall not cause any unnecessary impediment or obstruction to other vessels using the same waters; all rafts are subject to the provisions of regulations 27 and 29 of the Regulations for Preventing Collisions at Sea.

**7. Tariff of fees for the registration, etc., of Canadian ships**

P.C. 1954-107

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 21st day of January, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of section 80 of the Canada Shipping Act, is pleased to prescribe and doth hereby prescribe the annexed tariff of fees for the registration, change of name, transfer, transmission or mortgage of Canadian ships.

**SHIP REGISTRY FEES***Exemption*

Vessels not exceeding 15 tons gross solely employed in fishing .. No fee

*First Registry*

Ships not exceeding 50 tons gross .....	\$ 3.00
Ships exceeding 50, and not exceeding 100 tons gross .....	4.00
Ships exceeding 100, and not exceeding 200 tons gross .....	6.00
For every 100 tons or fraction of 100 tons in excess of 200 tons gross .....	1.50

*Change of Name*

Ships not exceeding 600 tons gross .....	\$15.00
Ships exceeding 600 tons and not exceeding 1,600 tons gross ..	20.00
Ships exceeding 1,600 tons and not exceeding 3,000 tons gross ..	25.00
Ships exceeding 3,000 tons and not exceeding 5,000 tons gross ..	30.00
Ships exceeding 5,000 tons and not exceeding 8,000 tons gross ..	35.00
Ships exceeding 8,000 tons and not exceeding 10,000 tons gross.	40.00
Ships exceeding 10,000 tons and not exceeding 15,000 tons gross	50.00
Ships exceeding 15,000 tons and not exceeding 20,000 tons gross	60.00
Ships exceeding 20,000 tons gross .....	70.00

*Transfer and Mortgage*

On transfer, transmission, registry anew, transfer of registry, mortgage and transfer of mortgage:

According to the gross tonnage represented by the ships or shares of ships transferred, etc. (e.g., the transfer of a  $\frac{1}{64}$  share in a ship of 6,400 tons to be reckoned as the transfer of 100 tons):

Not exceeding 10 tons .....	.50
Exceeding 10 tons and not exceeding 20 tons .....	.75

**Canada Shipping Act—continued**

Exceeding 20 tons and not exceeding 30 tons .....	\$ 1.00
Exceeding 30 tons and not exceeding 40 tons .....	1.50
Exceeding 40 tons and not exceeding 50 tons .....	2.00
Exceeding 50 tons and not exceeding 75 tons .....	2.50
Exceeding 75 tons and not exceeding 100 tons .....	3.00
Exceeding 100 tons and not exceeding 125 tons .....	3.50
For every 50 tons or fraction of 50 tons in excess of 125 tons and not in excess of 500 tons .....	.50
For every 100 tons or fraction of 100 tons in excess of 500 tons .....	.50

**8. Steamship Machinery Inspection Regulations**

P.C. 1954-580

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 14th day of April, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the powers conferred by section 410 of the Canada Shipping Act, is pleased to order as follows:

1. Sections 1 to 25, inclusive, of Part I of the Regulations respecting the inspection of boilers and machinery of steamships, established by Order in Council P.C. 3111 of 13th July, 1948, and the Regulations for the inspection of boilers under section 473A of the Canada Shipping Act, 1934, established by Order in Council P.C. 4408 of 31st August, 1949, are hereby revoked; and

2. The annexed "Regulations respecting the Inspection of the Machinery of Steamships" are hereby made and established in substitution for the Regulations hereby revoked.

REGULATIONS RESPECTING THE INSPECTION  
OF MACHINERY OF STEAMSHIPS

1. These regulations may be cited as the *Steamship Machinery Inspection Regulations*.

2. In these regulations,

- (a) "Act" means the Canada Shipping Act;
- (b) "approved" means approved by the Board of Steamship Inspection;
- (c) "Board" means the Board of Steamship Inspection;
- (d) "certificate" means a certificate of inspection issued by an inspector under the provisions of the Act;
- (e) "Chairman" means the Chairman of the Board;
- (f) "inspector" means a steamship inspector appointed under the provisions of the Act;
- (g) "machinery" includes the propelling engines, boilers, pumps, steering engines, windlasses, and all similar apparatus required for the safety and operation of a steamship;

**Canada Shipping Act—continued**

- (h) "new" means that the construction of the steamship or the article to which reference is made, was commenced on or after the coming into force of these regulations, except in the case of foreign steamships where it includes steamships, or articles, the construction of which was commenced either before or after the coming into force of these regulations;
- (i) "pressure vessel" includes boilers, air receivers, and other vessels subject to pressure;
- (j) "steamship" means any ship propelled by machinery, and not coming within the definition of sailing ship as defined in the Act.

3. Notwithstanding anything contained in these regulations the Board may, if satisfied that it can with propriety do so, exempt any ship from full compliance with any of the requirements of these regulations.

*Submission of Plans*

4. (1) Detailed plans of the machinery of a steamship intended to be certificated shall be submitted to the Chairman, provided that in the case of ships not more than sixty feet in length the plans marked with an asterisk in Schedule A shall be submitted to the inspector concerned, who shall decide to what extent detailed plans shall be submitted.

(2) Plans shall be in triplicate, fully dimensioned, giving all requisite particulars of the physical properties of the materials to be used, and in order to avoid delay and inconvenience the plans should be submitted before construction is commenced or as soon thereafter as practicable.

(3) The provisions of subsections (1) and (2) apply to all new steamships, and to steamships to which extensive alterations, repairs or renewals are to be made.

5. Before issuing a certificate to a new steamship, or to a steamship that has undergone conversion, alteration, or installation of new machinery, the inspector shall ascertain if the plans and specifications have been approved by the Board.

6. Plans and data of boilers, superheaters, economizers, air receivers, electrical equipment, propelling machinery, prime movers for auxiliaries essential to the safe operation of a ship, including emergency power to services essential for safety under emergency conditions, shall be submitted for approval, in triplicate, as set forth in Schedule A, provided that

- (a) the Board may require that plans and specifications of independent auxiliaries not listed in Schedule A shall be submitted for approval;
- (b) plans of heating boilers having a working pressure not in excess of fifteen pounds per square inch need not be submitted for approval;
- (c) plans of diesel engines not in excess of 75 brake horse power, continuous rating, unless of unusual design, need not be submitted for approval;
- (d) plans of gasoline engines of any horse power unless of unusual design, need not be submitted for approval;
- (e) where approval is required of an engine design which includes a range of engines having the same cylinder bore and stroke, all of the plans listed in Schedule A need not be submitted for each engine; one set only of plans, in triplicate, shall be submitted for



**Canada Shipping Act—continued**

parts which are common to all engines, such as cylinders, cylinder covers, pistons, piston rods and connecting rods; but in the case of parts which are not common to all engines such as crankshaft, general arrangement, sectional elevation and sole plate the plans and engine data shall be submitted, in triplicate, for each engine;

- (f) plans of steam turbines not in excess of 150 brake horse power unless of unusual design, need not be submitted for approval; and

provided, further, that in a case where plans of machinery are not required, the inspector shall satisfy himself that the machinery is safe and suitable for the ship in which it is to be fitted.

7. (1) Subject to subsection (2), in the case of steamships already constructed and coming under inspection for the first time, the detailed plans and information required by section 6 shall be submitted before a certificate is issued; to save time, the plans of existing boilers, or other machinery should be checked against the parts in question before being submitted to the Chairman for approval.

(2) Where it appears that good and sufficient reason exists for the non-production of plans, as, for example, in the case of a ship built outside of Canada, or where no record of plans has been preserved, the matter shall be submitted to the Chairman, who may require the production of such evidence as in the circumstances would be sufficient to determine the strength and suitability of the various parts, as well as the workmanship and the material thereof. To facilitate the inspection of the machinery of such ships, the inspector shall obtain as much of the required information as possible by an examination of the parts, and forward this information to the Chairman.

*First Inspection*

8. (1) Before a certificate is issued the inspector shall satisfy himself by actual examination and by a series of calculations when required

- (a) that the working pressure assigned to boilers, superheaters, air receivers or other pressure vessels subject to inspection can be safely carried, and is suitable for the piping and machinery;
- (b) that the propelling machinery is sufficient in power and capacity to enable the ship to be manoeuvred and handled at sea with a proper degree of safety, having regard to the voyages the ship is to make; and
- (c) that the machinery has been installed in a satisfactory manner and is sufficient and suitable for the purpose.

(2) Before a certificate is issued the inspector shall set the safety valves to blow off at the working pressure assigned.

9. (1) Subject to subsections (3), (4), (5), (6), (7) and (8) an inspector shall not issue a certificate to a new steamship, or to a steamship coming under inspection for the first time, unless the machinery has been inspected during construction by an inspector.

(2) The inspection during construction shall not be deemed adequate unless made at such periods as will allow of a proper opinion being formed as to the methods of construction, the workmanship, and the suitability of the material, the extent of the inspection being governed by the importance of the part under consideration and the method of manufacture.



**Canada Shipping Act—continued**

(3) In the case of diesel engines, including reduction and reverse gearing, not in excess of 300 brake horse power, continuous rating, which have been produced under mass-production conditions, inspection during construction by an inspector may be waived and an engine may be accepted for use in any ship for which a certificate is required subject to the following in each case:

- (i) that the engine, if in excess of 75 brake horse power, is built to a design which has been submitted to the Board and approved;
- (ii) that the engine is built at works where the standards of production and testing have been approved by the Board;
- (iii) that the engine is accompanied by a statement from the manufacturer certifying as to the quality of the shaft material, the hydraulic tests of water spaces, construction of parts according to the approved plan, and satisfactory performance on the test bed, the statement to carry marks to identify the engine;
- (iv) that the engine is satisfactory to the inspector under running trials, after installation.

(4) In the case of diesel engines, including reduction and reverse gearing, in excess of 300 brake horse power, continuous rating, the Board, after consideration of the manufacturer's procedure and quality control, may modify the requirements regarding inspection of parts and tests of material.

(5) In the case of diesel engines, including reduction and reverse gearing, not in excess of 75 brake horse power, continuous rating, and in the case of gasoline engines built under mass-production conditions, inspection during construction may be waived and the engine accepted for use in any ship for which a certificate is required, except in the case of an engine of unusual design, provided the engine is found satisfactory by the inspector under running trials, after installation.

(6) Where machinery is to be inspected for the first time without having been inspected during construction the matter shall be referred to the Chairman.

(7) Subject to subsection (4) the following parts of diesel engines in excess of 300 brake horse power, continuous rating, shall be tested and inspected in accordance with the Regulations respecting the Construction of Machinery of Steamships:

- (a) engines with cylinders up to twelve inches in diameter: crankshafts, thrust shafts, intermediate shafts, propeller shafts, generator shafts, and motor and gear shafts for indirect drive;
- (b) engines with cylinders over twelve and not over eighteen inches in diameter: the parts specified in paragraph (a) and the following,—connecting rods, piston rods and tension rods;
- (c) engines with cylinders over eighteen inches in diameter: the parts specified in paragraphs (a) and (b) and the following,—cross-heads, shaft couplings and coupling bolts, connecting rod bolts and main bearing bolts.

(8) Items of auxiliary equipment, with the exception of pressure vessels, prime movers essential to the safe operation of the ship and for supplying emergency power to services essential for safety under emergency conditions, may be accepted without being inspected during construction

**Canada Shipping Act—continued**

if they have been constructed to approved plans, (where plans are required).  
if they prove satisfactory under test, and if the inspector is satisfied that they are of safe construction.

10. Diesel engine parts, steam reciprocating engine parts, and steam turbine engine parts, when new, shall be subjected to the hydraulic tests specified in Schedule B.

11. (1) In the case of boilers (other than those specified in paragraph (b) of section (6)), superheaters, economizers and air receivers, whether new or being inspected for the first time, the Board shall determine from a series of calculations of the strength of the various parts and having regard to the workmanship and material, the working pressure that may be carried, and shall show such working pressure on the approved plans.

(2) In the case of all other pressure vessels the inspector shall decide the limits of pressure that may be carried, taking into consideration the construction of the pressure vessel concerned, and shall set the safety valves accordingly, but if an inspector so desires he may refer any case to the Chairman for a decision.

12. (1) A certificate shall not be granted in respect of a boiler that an inspector is unable to enter on account of the manholes not being large enough or being improperly placed, until adequate means of access is provided, except in the case of a boiler so small that entrance thereto is impossible.

(2) When stays alone prevent an inspector from entering a boiler, he shall require that they be removed to permit access and shall see them properly replaced after inspection has been completed.

13. Boilers that are in any way connected with the main boilers or with the machinery used for propelling a steamship, or that are used for supplying steam for the steering gear, pumps or other machinery which may be required while a ship is at sea, shall, as far as the fitting of safety valves, water and steam gauges, and all other necessary fittings is concerned, be subject to the same requirements as the main boilers.

14. Ordinary cast iron may not be used for boiler mountings fitted below or partly below the normal water level, nor for any part of a boiler, or for stays, reinforcing rings or handhold doors, except in the case of a boiler used exclusively for heating purposes and having a working pressure not in excess of fifteen pounds per square inch.

15. The mountings for evaporators shall be similar to those required for boilers on steamships, but a single safety valve may be allowed where it is of sufficient size.

16. (1) Safety valves on new cylindrical boilers, or on cylindrical boilers being inspected for the first time, or new safety valves fitted to cylindrical boilers, shall be subjected to the following accumulation test after the safety valves have been set to the assigned pressure:

During a test of fifteen minutes with the stop valves closed and under full firing conditions the accumulation of pressure should not exceed ten per cent of the rated pressure, provided that during the test no more feed water shall be supplied than is necessary to maintain a safe working water level.

**Canada Shipping Act—continued**

(2) Subject to subsection (3), safety valves on new water tube boilers, or on water tube boilers being inspected for the first time, or new safety valves fitted to water tube boilers, shall be subjected to the following accumulation test, after the safety valves have been set to the assigned pressure:

During a test with the stop valve closed and under full firing conditions, for as long a time as the water supply in the boiler permits, the accumulation should not exceed ten per cent of the working pressure, provided that in no case need the test exceed seven minutes.

(3) Where accumulation tests may endanger the superheater, oil-fired boilers may be exempted therefrom, provided that application for exemption is made when the boiler plan and sizes of safety valves are submitted for approval, and the safety valves are of an approved type for which the capacity has been established by test in the presence of an inspector or an approved independent authority, or for which the Board is satisfied that the capacity is adequate; where exemption is granted the valve makers shall be required to provide a statement for each safety valve, stating the rated capacity at the approved working conditions of the boiler and the boiler-makers shall be required to provide a statement for each boiler, stating the maximum evaporation; safety valves must be found to operate satisfactorily under working conditions during the trials of the machinery on board ship and the area of the valves shall not in any case be less than that required by the Regulations respecting the Construction of Machinery of Steamships.

17. New pipes of copper, wrought iron, or steel, whether for steam, feed or other purpose, subject to internal pressure, shall be allowed a pressure not in excess of that found from calculations in accordance with the formulae and general directions set out in the Regulations respecting the Construction of Machinery of Steamships, provided that the workmanship and material are first class of their kind and are satisfactory for the purpose: all such pipes shall be subjected to the hydraulic pressure test specified in section 39.

18. Silver solder may not be used in the construction of steam pipes subject to boiler pressure.

19. Where a steamship is inspected for the issue of a certificate after having been transferred from foreign registry, or for the first time, all main steam pipes, as well as auxiliary steam pipes over 3 inches in diameter, shall be subjected to the hydraulic pressure test specified in section 39.

20. In the support and securing of pipes, especially main steam pipes, ample provision shall be made for expansion, contraction and drainage.

21. Superheaters and economizers shall be constructed and fitted with mountings in accordance with the Regulations respecting the Construction of Machinery of Steamships; superheaters that can be shut off from the main boilers shall be fitted with an approved safety valve of sufficient size, and where there is a possibility of water gathering at the bottom of a superheater, it shall be fitted with a properly arranged drain.


22. Full dampers shall not be fitted in funnels where oil fuel is used.

23. (1) When the inspection of a new pressure vessel is completed the inspector if satisfied that all the requirements of the regulations have been complied with and that it is satisfactory in all respects shall have it stamped in the following manner, the pressure, date, register number (in the case



**Canada Shipping Act—continued**

of a boiler), serial number (in the case of an air receiver or other pressure vessel), and the initials of the inspector being those applicable in the case:

<div style="display: flex; justify-content: space-around; align-items: center;"> <span style="font-size: 2em;">D</span>  <span style="font-size: 2em;">T</span> </div> <div style="display: flex; justify-content: center; align-items: center; margin-top: 5px;"> <span style="font-size: 1.5em;">C</span> </div> <div style="margin-top: 10px;"> <p>T.P. ....</p> <p>W.P. ....</p> <p>(initials)</p> <p>(date)</p> <p>(Reg'd. number)</p> <p>or</p> <p>(Serial number)</p> </div>
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(2) In the case of a single-ended boiler, the stamp shall be placed in a conspicuous place on the front end near the fire door on the right hand side; double-ended boilers shall be similarly stamped at both ends, and vertical cylindrical boilers in a conspicuous place on the shell, immediately above the fire door; if, however, the casing for forced draught or other fittings would prevent the stamp being readily seen when placed on the end plate, the boilers may be stamped on the right hand side of the shell plate, near the end plate and in such a position that the stamp will not be hidden by the lagging; in the case of water tube boilers the stamp shall be placed in a conspicuous place above the manhole of the steam drum.

(3) In the case of air receivers, or other pressure vessels, the stamp shall be placed on the end plate in as conspicuous a location as possible.

24. Welders employed on the making of boilers or other pressure vessels should be certificated by a provincial government or other competent authority, or by a company which gives instruction in welding; where the inspector is satisfied from personal knowledge that a welder not so certificated is competent, his work may be accepted provided that the Regulations respecting the Construction of Pressure Vessels are complied with.

25. Where an engine, boiler, apparatus, or fitting, or any part thereof, that has been constructed to a design approved by the Board, proves unsatisfactory or defective during manufacture, or in use, before a certificate is given, full particulars of such defect and of the remedy proposed shall be obtained by the inspector and reported to the Chairman.

26. Before a certificate may be granted in respect of any boiler, the inspector shall be furnished by the maker of the boiler with an affidavit of the maker establishing the name of the manufacturer of the plates, their quality and the quality of all materials used in the construction of the boiler; such affidavit may be taken before a Justice of the Peace in Canada,



**Canada Shipping Act—continued**

or before a notary public, certified under his official seal if taken out of Canada; provided always, that in any case where such affidavit by the maker of the boiler cannot be obtained owing to the death of the maker, or from any other cause deemed sufficient by the Board, the affidavit of two competent persons who have examined the boiler and reported upon the quality of the materials in it and the workmanship and strength, shall, if satisfactory to the Board, be deemed sufficient in lieu of the affidavit of the maker of the boiler.

*Periodic Inspections*

27. (1) Passenger ships shall undergo annual inspection in the manner specified in paragraph 1 of Schedule D, but the Board may, if satisfied that it can with propriety do so, having regard to the circumstances, waive such annual inspection and rule that a limited inspection may be accepted in lieu thereof in the following cases, provided that the boilers and boiler mountings shall be inspected annually and that an inspector may require the opening up of any part of the machinery at more frequent intervals:

- (a) passenger steamships propelled by large engines,
- (b) small passenger steamships making Home-trade voyages, Class IV, or Minor-waters voyages, Class II, where the Board is satisfied that a breakdown in the machinery would not endanger the ship or its complement.

(2) Where a limited inspection is allowed, the owner shall submit to the Chairman for approval a chart showing the proposed schedule of inspection.

28. (1) Subject to subsections (2) and (4), non-passenger steamships in excess of 150 tons, gross tonnage, shall undergo inspection at least once a year as specified in paragraph 2 of Schedule D and inspection at least once in every four years as specified in paragraph 1 of Schedule D, provided that an inspector may require any part of the machinery to be opened up at more frequent intervals.

(2) The Board may authorize the requirements of the quadrennial inspection of the machinery of non-passenger steamships in excess of 150 tons, gross tonnage, at the due date to be postponed either wholly or in part, provided that all boilers and boiler mountings shall be inspected annually, and that the inspector is given an opportunity about the time when quadrennial inspection is due to ascertain the general condition of the machinery and for that purpose the inspector will make a general inspection to satisfy himself as to the condition of the ship, and provided, further, that the period of postponement shall not exceed twelve months from the due date.

(3) Subject to subsection (4) non-passenger steamships not in excess of 150 tons, gross tonnage, shall have the machinery inspected at least once in every four years as specified in paragraph 1 of Schedule D, provided that an inspector may require any part of the machinery to be opened up at more frequent intervals, and provided that if boilers are fitted they shall be inspected annually.

(4) Where ships are subject to the quadrennial inspection specified in subsections (1) and (3), the Board may approve arrangements for inspection on a continuous inspection basis, provided that boilers and boiler mountings shall be inspected annually and that all parts subject to inspection are inspected at least once in every four years. Where this method of inspection is adopted the owner shall furnish a chart for recording inspections.

**Canada Shipping Act—continued**

29. The parts subject to the inspections required by sections 27 and 28 are those specified in Schedule C.

*General*

30. (1) On each occasion when a boiler is inspected

- (a) all mountings where there is no cock or valve between the mountings and the boiler, and all gauge glass fittings, shall be inspected,
- (b) all other principal valves and cocks shall be examined externally, and inspected if considered necessary by the inspector, and
- (c) the oil fuel installation, where fitted, shall be tested under working conditions and a general inspection made of the fuel tank valves, deck control gear and oil discharge pipes between the pumps and the furnaces.

(2) An inspector may require the opening up of a boiler, superheater, steam pipe or mounting at any time if in his opinion it is necessary that it be opened up.

31. An inspector shall satisfy himself at annual inspection as to the working condition of smothering systems, smoke-detecting systems, and fire-detecting systems.

32. (1) Subject to subsection (3), when a boiler is due for inspection, or on other occasions if considered necessary, the inspector shall enter the boiler if possible and make a thorough examination with the bridges and firebars removed; the furnaces, combustion chambers, shell plates, and other parts shall be drilled when considered necessary to ascertain the actual thickness, and, to satisfy himself as to the strength and internal condition of a boiler the inspector shall, if he thinks it necessary, order pieces to be cut from it for inspection and test.

(2) The owner, or his agent, shall have the boilers opened up for inspection, the outside and inside plates being cleaned and furnace grates and bridges removed, as may be required by the inspector, so that a satisfactory and efficient inspection may be made; where bulkheads are so placed as to prevent a close examination of the boiler they shall be removed or some other satisfactory arrangement made to enable a thorough inspection to be made.

(3) An inspector may waive the requirement of opening up for inspection any boiler where the working pressure is not in excess of 50 pounds per square inch and the heating surface is not in excess of 50 square feet, if he is satisfied with the condition of the boiler, provided that all such boilers that are not "pipe coil" boilers shall be opened up for inspection at least once every four years; safety valves on all such boilers shall be set annually and all boiler mountings opened up for inspection at least once every four years; the provisions of this section do not apply to the following boilers:—the main boilers, boilers that are in any way connected with the main boilers, or boilers used for supplying steam for the steering gear, pumps or other machinery which may be required while a ship is on a voyage.

(4) When the safety valves are inspected they shall be reset by the inspector to the assigned working pressure.

33. (1) Where any part of a boiler near the uptake, firebox or furnace, is so constructed that an inspector cannot inspect it to his satisfaction, he may withhold the certificate and refer the case to the Chairman.

**Canada Shipping Act—continued**

(2) Where a boiler is so placed that the outside of the bottom cannot be inspected, the inspector shall order the boiler to be lifted for examination as often as he considers necessary; particular attention shall be paid to the part of the boiler shell in contact with the chocks, and if signs of heavy corrosion are noticed the boiler shall be lifted clear of the chocks for examination so that the inspector may satisfy himself as to its condition before issuing a certificate; where an owner objects to lifting a boiler at the request of an inspector the matter shall be referred to the Chairman.

34. The working pressure allowed on a boiler shall in no circumstances be increased unless authorized by the Chairman; where an inspector is of opinion that an increased pressure could be allowed with safety, he shall communicate with the inspector who last inspected the boiler and if, on learning why the existing pressure was given, he is still of opinion that it might be increased, he shall communicate all the facts of the case to the Chairman.

35. At all inspections after the first inspection the inspector shall decide after such inspection as he considers necessary in the circumstances, the working pressure which may be carried on all pressure vessels, and shall set the safety valves accordingly.

36. (1) Subject to subsection (2) all boilers, whether undergoing first inspection, or an inspection subsequent to the first inspection, shall be subjected to the hydraulic pressure test specified in subsection (3), provided that in the case of a boiler other than a new boiler, or other than one being inspected for the first time, the inspector may waive the hydraulic test if the boiler is large enough to permit of a thorough internal inspection and if he is satisfied with its condition both internally and externally.

(2) In the case of a boiler other than the main boiler, or other than a new boiler, or other than a boiler being inspected for the first time, the hydraulic test may be waived if the working pressure is not in excess of 50 pounds per square inch and the heating surface is not in excess of 50 square feet, if the inspector is satisfied with its condition, provided that any such boiler that is not a "pipe coil" boiler and which is not large enough to permit of a thorough internal inspection, shall be subjected to a hydraulic test at least once every four years.

(3) (a) The test by hydraulic pressure on boilers shall be as follows:

*Test to be applied*

- |       |  |                     |
|-------|--|---------------------|
| (i)   | New boilers which are allowed a work—    | Twice the working   |
|       | ing pressure not in excess of 100 pounds | pressure            |
|       | per square inch                          |                     |
| (ii)  | New boilers which are allowed a work—    | One and a half      |
|       | ing pressure in excess of 100 pounds per | times the working   |
|       | square inch                              | pressure plus fifty |
|       |  | pounds              |
| (iii) | Boilers which are not new and which—     | One and a half      |
|       | are being inspected for the first time   | times the working   |
|       |  | pressure            |
| (iv)  | Boilers which have been lifted, before—  | One and a half      |
|       | being reset, and boilers which have      | times the working   |
|       | undergone important repairs              | pressure            |



**Canada Shipping Act—continued**

- (b) The hydraulic test applied at annual inspection and at such other times as are considered necessary by the inspector, except as provided in subparagraph (a), shall not exceed one and a half times the working pressure.

- (4) The test to be applied to new boilers shall be applied before the boilers are placed in the ship and before they are lagged.

37. New boiler mountings shall be subjected to a test by hydraulic pressure to twice the working pressure, with the exception of feed check valves, which shall be tested to two and a half times the working pressure, provided that the test pressure in each case need not be more than one thousand pounds per square inch above the working pressure, and provided further that where an inspector deems it necessary old boiler mountings shall be subjected to similar tests.

38. (1) Air receivers shall be tested by hydraulic pressure as specified in subsection (2), when new, and once every four years, or oftener if considered necessary by an inspector, provided that in the case of an air receiver other than a new air receiver, or other than one being inspected for the first time, the inspector may waive the hydraulic test if the air receiver has a manhole or other opening which permits of a thorough examination of the interior of the receiver and the inspector is satisfied that it is in a safe and sound condition.

- (2) (a) The test by hydraulic pressure on air receivers shall be as follows:

*Test to be applied*

- (i) New air receivers which are allowed a—Twice the working  
working pressure not in excess of 100 pressure  
pounds per square inch
- (ii) New air receivers which are allowed a—One and a half  
working pressure in excess of 100 pounds times the working  
per square inch pressure plus fifty  
pounds
- (iii) Air receivers which are not new, and—One and a half  
which are being inspected for the first times the working  
time pressure
- (iv) Air receivers which have undergone—One and a half  
important repairs times the working  
pressure

- (b) The test applied at annual inspection, or at such other times as are considered necessary by the inspector, except as provided in subparagraph (a), shall not exceed one and a half times the working pressure.

- (3) The test to be applied to new air receivers shall be applied before they are placed in the ship.

39. The test by hydraulic pressure on steam pipes, whether new or old, shall be twice the working pressure.

40. Where a hydraulic test is not satisfactory the defects shall be made good, and the boiler, air receiver, or steam pipe, as the case may be, shall be re-tested to the satisfaction of the inspector before a certificate is issued.



**Canada Shipping Act—continued**

41. An inspector shall not carry out a hydraulic test on a new boiler or air receiver, or one being inspected for the first time until a working pressure has been assigned by the Board.

42. (1) Subject to subsection (3) where an inspector considers it necessary, he may at any time require steam pipes to be tested by hydraulic pressure to satisfy himself that any part or parts of which he is in doubt are in good condition, and he may also require the removal of such pipes in order that their interior may be inspected and the actual thickness and condition ascertained.

(2) In cases where the pipes are not wholly stripped, the hydraulic test pressure shall remain on the pipes for such time as the inspector considers necessary; any length of pipe from which leakage is observed at other places than the flange shall be stripped, repaired and re-tested.

(3) Subsection (1) applies to all steam pipes the bursting of which may cause injury or loss of life, but an inspector need not insist on the testing of small pipes from which the free outflow of steam would cause no danger or inconvenience and which would not be likely to burst in ordinary circumstances.

43. Evaporators, generators, feed makeups and other similar parts, where water is evaporated under pressure, shall be regarded as pressure vessels regardless of the means used for effecting evaporation, and particulars regarding them and their mountings shall be recorded in the same manner as for boilers; while paragraph 2 of Schedule D specifies the period at which inspection of these parts shall be carried out, an inspector should also make a general examination on each occasion when a ship is inspected.

44. After the parts of an engine have been inspected if an inspector thinks it necessary he may have the engine operated in order to satisfy himself that it has been replaced in good working order.

45. Where the major engine parts listed in Schedule B have undergone extensive repairs they shall be subjected to a hydraulic test in accordance with the requirements of that schedule.

46. With the exception of repairs directly in way of the circumferential seams adjacent to the boiler head, electric welding shall not be used in the repair or building-up of parts subject to tension, such as piston rods, shafting or shell plates of boilers, provided that the Board may allow this method of repair where details of the proposed method of repair have been submitted to the Chairman and are found satisfactory, and provided further that the repair is carried out under such conditions as the Board may require in each case.

**SCHEDULE A**

The plans and data of boilers, superheaters, economizers, air receivers, electrical equipment, propelling machinery, prime movers for auxiliaries essential to the safe operation of a ship, including emergency power to services essential for safety under emergency conditions, required to be submitted for approval in accordance with section 6 are as follows:

**Canada Shipping Act—continued**

*1. For all installations*

Plans:—\*General arrangement of machinery in machinery space, including boiler rooms.

\*Stern tube, and stern bush or bearing.

\*Shafting, including thrust, propeller and intermediate shafting, and removable couplings.

\*General pumping arrangement, showing bilge, ballast, feed water and oil-fuel pumping systems, including air and sounding pipes, pumping arrangement at the forward and after end of oil tankers and drainage from cofferdams and pump rooms. The capacity of bilge pumps should be shown and plans of machinery space piping should be diagrammatic.

Air receivers and compressed air systems.

Boilers, main, auxiliary and heating, superheaters, economizers and boiler mountings. The heating surface of all boilers and the maximum rating of water tube boilers should be shown.

Arrangement of steam pipes.

\*Electrical equipment (see paragraph 5).

*2. For reciprocating engines*

Plans:— General arrangement and sectional elevation.

Crankshaft.

Cylinders and covers.

Pistons, piston rods and connecting rods.

Sole plate.

Data:— Steam engines—Designed indicated horse power.

Revolutions per minute.

Number of cylinders, diameter and stroke.

Diameter and weight of flywheel (if fitted).

Diameter of propeller.

Physical properties of principal forgings and castings.

Diesel engines—Designed brake horse power.

Revolutions per minute.

Two or four cycle.

Maximum and mean indicated pressure.

Balance weights (weight and number), and radius of gyration.

Number of cylinders, diameter and stroke.

Diameter and weight of flywheel.

Diameter of propeller.

Physical properties of principal forgings and castings.

*3. For turbines*

Plans:—General arrangement.

Casings.

Rotors.

Shafts.

Data:— Designed shaft horse power.

Revolutions per minute.

Physical properties of principal forgings and castings.

**Canada Shipping Act—continued**

4. *Gearing for all engines in excess of 300 brake horse power and for electric motors in excess of 300 brake horse power*

Plans:—General arrangement.

Pinions.

Gear wheels and rims.

Sleeves.

Couplings.

Shafts.

Data:—Designed shaft horse power.

Revolutions of each pinion and gear.

Number of teeth, pitch and pitch circle diameter in each gear and pinion.

Length and thickness of teeth.

Helix and pressure angles.

Physical properties of principal forgings and castings.

5. *Electrical equipment*

Propelling machinery:—

Plans:—Cables and electric circuits for complete propulsion arrangement, showing cable sizes and types, amperes carried by each, and protection devices including controls from engine room and bridge, main motor and main generator shafts.

Data:—Specification of ratings.

Material specification for main motor and main generator shafts.

Auxiliary machinery:—

(If to be used to supply power for auxiliary services essential to the propulsion machinery, or for steering machinery, windlass, bilge, fire and ballast pumps, emergency lighting or pumping, or other services essential to the safety of passengers and crew).

Plans:—Cables and electric circuits of auxiliary generators showing cable sizes and types, amperes carried by each, and protection devices including in the case of circuit breakers frame sizes and current rating of trip elements.

Data:—Specification of ratings.

Electric equipment used for purposes other than propelling machinery or auxiliary generators:—

Plans:—General arrangement and circuits of switchboard.

Diagrams of wiring systems showing cable sizes, types of cable, current carried by each cable, rating of fuses or other protection, including in the case of circuit breakers frame sizes and current rating of trip elements.

6. *Sprinkler pump installation*

Plans of the sprinkler system in machinery space.

These should show pump capacity and type, size of trunk main and rising mains, means for bringing pump automatically into action, connections to pressure tank, sea cocks, etc., and all control valves, pressure gauges, alarm switches, connections to ship's fire pump, etc.

**Canada Shipping Act—continued**

**7. Fire extinguishing equipment in machinery space**

This arrangement should show, in the case of ships in excess of sixty feet in length, pump capacities and types, location of fire hydrants and hoses, details of smothering steam or gas, and location and capacities of fire extinguishers.

**SCHEDULE B**

1. Diesel engine parts, when new, shall be subjected to a hydraulic test as follows:

- (a) Main and auxiliary engine—One and a half times the maximum working pressure.  
cylinder covers, and cylinders not fitted with liners, when these cannot be readily examined internally
- (b) Cylinders, covers, intercoolers, and aftercoolers of attached air compressors—Twice the maximum working pressure.
- (c) Cylinder liners—100 pounds per square inch.
- (d) Water jackets of cylinders, and the cooling passages of cylinder covers and pistons—30 pounds per square inch.
- (e) Fresh water and lubricating oil coolers—Twice the working pressure, with a minimum of 50 pounds per square inch on the fresh water and lubricating oil side, and a minimum of 30 pounds per square inch on the cooling water side.

2. Steam reciprocating engine parts, when new, shall be subjected to a hydraulic test as follows:

- (a) Compound steam engines:
  - H.P. cylinder—One and a half times the working pressure on the boilers.
  - L.P. cylinder—30 pounds per square inch.
- (b) Triple expansion engines:
  - H.P. cylinder—One and a half times the working pressure on the boilers.
  - I.P. cylinder—5 times the working pressure on the boilers.
  - L.P. cylinder—30 pounds per square inch.
- (c) Quadruple expansion engines:
  - H.P. cylinder—One and a half times the working pressure on the boilers.
  - First I.P. cylinder—6 times the working pressure on the boilers.
  - Second I.P. cylinder—4 times the working pressure on the boilers.
  - L.P. cylinder—30 pounds per square inch.



**Canada Shipping Act—continued**

## (d) Engines of the "Unaflo" type:

Cylinders

—One and a half times the working pressure on the boilers.

Cylinder Heads

—Twice the working pressure on the boilers.

3. Steam turbine engine parts, when new, shall be subjected to a hydraulic test as follows:

(a) Nozzle boxes of impulse steam turbines—One and a half times the working pressure on the boilers.

(b) Steam casings of all turbines—One and a half times the working pressure in the casing, or 30 pounds per square inch, whichever is the greater.

## SCHEDULE C

The following parts are subject to the periodic inspections required by sections 27 and 28:

(a) The engines and boilers used for propelling a steamship, and all the essential machinery connected therewith; auxiliary boilers that are in any way attached to or connected with the main boilers or with the machinery used for propelling the ship, or that are used for supplying steam for the steering gear, pumps or other machinery which might be required while a ship is on a voyage.

(b) All boilers, other than those specified in paragraph (a), that have a working pressure in excess of fifteen pounds per square inch, provided that in the case of boilers that have a working pressure not in excess of fifteen pounds per square inch the inspector shall satisfy himself that the boiler is in a safe condition and that the safety valve is adjusted.

(c) Telemotor gear and steering machinery.

(d) Windlass machinery.

(e) The electric circuits and equipment.

(f) The installation for emergency power and lighting.

(g) The machinery for operating watertight doors.

(h) The engines of motor lifeboats, including the generator for wireless telegraphy apparatus, forming part of the statutory lifeboat equipment.

NOTE.—Machinery used exclusively for loading or unloading a ship such as cargo winches, or used exclusively for apparatus not connected with the motive power of the ship, does not form part of the machinery required to be inspected; however, auxiliary machinery, such as feed pumps, used in conjunction with any of the boilers referred to above, is subject to inspection.

## SCHEDULE D

1. The boilers, boiler mountings and steam pipes of all ships shall be inspected annually and the following parts of machinery shall be inspected annually on passenger ships and quadrennially on non-passenger ships: (see paragraphs 3 and 6 of this schedule and section 39 with regard to inspection of steam pipes).

**Canada Shipping Act—continued**

*Boilers*

- (1) The boilers, boiler mountings and steam pipes.

*Steam reciprocating engines*

- (2) The cylinders, pistons, slide valves, crankshafts and bearings.

*Steam turbines*

- (3) The blading, rotor shafts and rotors, as far as may be practicable.

- (4) The shafts, shaft bearings and gear teeth of reduction gear.

(5) Where exhaust steam turbines are connected to the main shafting of steam reciprocating engines through reduction gearing and hydraulic clutches or other mechanical means, the gearing shafts and clutches as far as may be practicable; if these various parts are found to be satisfactory they need not be dismantled.

(6) Internal drive shafts, including their coned ends, when the power of the turbine is transmitted through a hollow gear wheel shaft attached to the main shafting by means of a coned coupling; the coned end of the internal drive shaft shall be exposed and the shafts inspected as far as may be practicable.

(7) Exhaust steam turbines and other appliances driven by them which are used in conjunction with the main engines.

*Diesel engines*

(8) The cylinders, pistons, valves and valve gears, connecting rods and their top and bottom end brasses, crossheads, guides, pumps, clutches, reversing gear and crankshafts; the shafts, shaft bearings, and teeth of reduction gear, when fitted; the manoeuvring of the engine to be tested under working conditions.

- (9) The cylinders, pistons, valves and intercoolers of air compressors.

*Electrical equipment*

(10) Electrical equipment used for lighting purposes only; such installations shall be generally inspected and tested under working conditions and the electric cables inspected as far as may be practicable without dismantling any fixtures or casings unless such dismantling is deemed necessary as a result of test or observation; a test should be made on generators, cables, heaters and fittings, if deemed necessary by the inspector, and the insulation resistance should be not less than 100,000 ohms.

(11) Electrical equipment when the generators are also used for supplying power for driving essential auxiliary machinery, steering gear or windlass; the prime movers shall be opened out for inspection in accordance with the provisions of subparagraphs (2) to (9); generators and all motors driving essential auxiliary machinery shall be inspected as far as may be practicable without dismantling any fixtures or casings unless such dismantling is deemed necessary as a result of test or observation; a test should be made on generators, motors, cables, heaters and fittings, if deemed necessary by the inspector, and the insulation resistance should be not less than 100,000 ohms; all generators should be run in turn or simultaneously; all main switches and circuit breakers should be operated.

**Canada Shipping Act—continued**

(12) Electrical equipment where the power developed by the main propulsion units is transmitted to the propeller by means of generators and motors; the main generators and motors shall be inspected as far as may be practicable, particular attention being paid to the ends of all windings of stators and rotors; all air ducts in stator coils and the ventilating holes in rotors and retaining rings of alternators shall be carefully examined; all cable runs should be examined and the ground connections of protective coverings or sheath; particular attention should be paid to high potential bus insulators which should be free from dust or oil to prevent creepage to the ground; the insulation resistance of each propulsion unit should be measured and checked with original readings and those in the ship's log; the owner's representative should be requested to investigate any abrupt or large decrease in insulation resistance with a view to restoring the insulation resistance to normal; where insulation or other tests are required they shall be carried out by the owner and reports of such tests shall be supplied to the inspector.

*Additional items*

(13) Thrust and intermediate shafts.

(14) Essential pumps.

(15) Condensers (to be tested if necessary).

(16) Oil fuel pumps for oil-fired, main, auxiliary and donkey boilers.

(17) Air receivers which cannot be inspected internally as specified in subsection (1) of section 38, shall be subjected to a test by hydraulic pressure in accordance with subsection (2) of section 38, special attention being given in the case of welded receivers to the end and longitudinal joints; air receivers and air pressure pipes shall be cleaned internally if necessary, by steam or otherwise.

(18) The leads of internal combustion engines where electric ignition is employed.

(19) Separate fuel storage tanks and daily service tanks, their fittings and connections; if deemed necessary by the inspector the tanks shall be tested to the same pressure as new tanks.

(20) The valves, cocks, pipes and strainers of the pumping arrangements; only such items as are considered necessary by the inspector shall be opened up, but all valves, cocks and strainers of the bilge system, including the bilge injection, shall be opened up.

(21) Evaporators and their mountings.

(22) Distillers, pressure filters, feed water heaters and similar equipment shall be given a general examination.

(23) The sprinkler system in way of the machinery space.

(24) A general examination of such items as are not covered in the above list shall be made by the inspector to satisfy himself that they are in a safe condition.

2. At the annual inspection of non-passenger steamships as required by section 28 the following parts shall be inspected:

(1) The parts of the machinery which are opened up for adjustment and overhaul and are available during the attendance of the inspector, or which are reported to be defective; and



**Canada Shipping Act—continued**

(2) The boilers, boiler mountings, and steam pipes; provided that

- (a) in the case of motor-driven ships where the main engines have a total of four cylinders or more, at least two pistons with cylinders, cylinder covers and valves, two connecting rods with top and bottom brasses, two crankshaft journals and bearings and one intermediate shaft bearing, shall be inspected at least once in every two years so that the inspector may have an opportunity of judging the condition of the remainder of the machinery; and
- (b) in the case of motor-driven ships where the main engines have less than four cylinders, at least one of the above mentioned parts shall be inspected every two years.

(3) At the annual inspection of non-passenger steamships the inspector shall carry out a general examination of any other items not specified in subparagraphs (a) and (b) of paragraph (2) to satisfy himself that they are in good condition.

(4) Notwithstanding the requirements of paragraphs 3 and 6 of this schedule the inspector shall, at annual inspection of all steamships, carry out a general examination of the steam pipes.

*Steam pipes—passenger ships*

3. The steam pipes of passenger steamships shall be inspected as follows, the hydraulic test to be in accordance with section 39.

*Main steam pipes*

- (1) (a) Subject to subparagraph (b) iron, steel or solid-drawn copper pipes with a diameter in excess of 3 inches, shall be stripped and tested by hydraulic pressure at least once every six years.
- (b) In the case of pipes referred to in subparagraph (a) upon which the first periodical test is being made, or such pipes that form part of a long range of piping, or such pipes with a diameter of 3 inches or less, the inspector may at his discretion decide whether the lagging for more than a few inches near each flange and at the bends need be removed when the hydraulic test is applied.
- (c) Copper pipes having brazed longitudinal seams whether forming a complete range or only a part of a range of pipes, shall be examined, and tested by hydraulic pressure with the lagging removed, at least once every four years.

NOTE.—Main steam pipes include the main range and its branches from the various boilers and those to the propelling machinery, and all steam pipes joining two or more boilers together.

*Auxiliary steam pipes having a diameter in excess of 6 inches*

- (2) (a) Subject to subparagraph (b) iron, steel, or solid-drawn copper pipes shall be stripped and tested by hydraulic pressure at least once every six years.
- (b) In the case of pipes referred to in subparagraph (a) upon which the first periodical test is being made, or such pipes that form part of a long range of piping, or such pipes with a diameter of 3 inches



**Canada Shipping Act—continued**

or less, the inspector may at his discretion decide whether the lagging for more than a few inches near each flange and at the bends need be removed when the hydraulic test is applied.

- (c) Copper pipes having brazed longitudinal seams shall be stripped and tested by hydraulic pressure at least once every four years.

*Auxiliary steam pipes having a diameter in excess of 3 inches  
and not in excess of 6 inches*

- (3) (a) Iron, steel, or solid-drawn copper pipes shall be stripped for not less than 2 inches at each flange and tested by hydraulic pressure at least once every six years.
- (b) Copper pipes having brazed longitudinal seams shall be stripped and tested by hydraulic pressure at least once every four years.

*Annealing of copper steam pipes*

- (4) Copper steam pipes shall be annealed from time to time when considered necessary by the inspector.

*Tailshafts—passenger ships*

4. (1) Passenger steamships making Foreign voyages, Home-trade voyages, Class I, Home-trade voyages, Class II, or Home-trade voyages, Class III, shall have the tailshaft drawn for inspection at least once every two years, provided that tailshafts of the following types need only be drawn for inspection once every three years:

- (a) tailshafts fitted with continuous liners in way of stern tube, and in way of outside bearing where fitted;
- (b) tailshafts fitted with approved glands or other approved appliances at the after end to permit of their being efficiently lubricated;
- (c) tailshafts of bronze, monel metal or other approved non-corrosive material.

(2) Passenger steamships making Inland voyages, Minor-waters voyages, or Home-trade voyages, Class IV, shall have the tailshaft drawn for inspection at least once every four years.

(3) When a ship is inspected in dry dock the wear-down of the stern bush should be noted and reported.

*Sea cocks—passenger ships*

5. (1) Passenger steamships shall have the sea cocks opened up for inspection and examined as follows:

- (a) Ships making Foreign voyages, Home-trade voyages, Class I, Home-trade voyages, Class II, or Home-trade voyages, Class III—At least once a year.
- (b) Ships making Inland voyages, Minor-waters voyages, Class I, or Home-trade voyages, Class IV—At least once every two years.
- (c) Ships making Minor-waters voy—At least once every four years, Class II

(2) When the sea cocks are opened up for inspection the propeller and stern bearing shall be examined in place as far as may be practicable.

**Canada Shipping Act—continued**

*Steam pipes—non-passenger ships*

6. (1) The steam pipes of non-passenger steamships shall be inspected as follows, the hydraulic test to be in accordance with section 39:

- (a) At the quadrennial inspection of non-passenger steamships a selected number of main steam pipes, and also a selected number of auxiliary steam pipes over 3 inches in diameter and carrying a working pressure in excess of 150 pounds per square inch, made of iron, steel, or solid-drawn copper, shall be removed for inspection and tested by hydraulic pressure, or, alternatively, all the main steam pipes, and also all the auxiliary steam pipes over 3 inches in diameter and carrying a working pressure in excess of 150 pounds per square inch, made of iron, steel, or solid-drawn copper, shall be tested in place by hydraulic pressure every six years, in either case sufficient lagging being removed, at the discretion of the inspector, to facilitate inspection.
- (b) At the quadrennial inspection of non-passenger steamships all copper steam pipes as described above, but having a brazed longitudinal joint, shall be entirely stripped of lagging and tested by hydraulic pressure.

*Annealing of copper steam pipes*

(2) Copper steam pipes shall be annealed from time to time when considered necessary by the inspector.

NOTE.—Main steam pipes include the main range and its branches from the various boilers and those to the propelling machinery, and all steam pipes joining two or more boilers together.

*Tailshafts—non-passenger ships*

7. (1) Non-passenger steamships in excess of 150 tons, gross tonnage, making Foreign voyages, Home-trade voyages, Class I, Home-trade voyages, Class II, or Home-trade voyages, Class III, shall have the tailshaft drawn for inspection at least once every two years, provided that tailshafts of the following types need only be drawn for inspection once every three years:

- (a) tailshafts fitted with continuous liners in way of stern tube, and in way of outside bearing where fitted;
- (b) tailshafts fitted with approved glands or other approved appliances at the after end to permit of their being efficiently lubricated;
- (c) tailshafts of bronze, monel metal, or other approved non-corrosive material.

(2) Non-passenger steamships not in excess of 150 tons, gross tonnage, making voyages in salt water, shall have the tailshaft drawn for inspection at least once every four years.

(3) Non-passenger steamships making Inland voyages, Minor-waters voyages, or Home-trade voyages, Class IV, shall have the tailshaft drawn for inspection at least once every four years.

(4) When a ship is inspected in dry dock the propeller and stern bearing shall be examined in place as far as is practicable, and the wear-down of the stern bush shall be noted and reported.

*Sea cocks—non-passenger ships*

8. Non-passenger steamships shall have the sea cocks opened up for examination every four years, or oftener if considered necessary by the inspector.

## Canada Shipping Act—continued

## 9. Hull Inspection Regulations

P.C. 1954-880

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by section 410 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations relating to the inspection of hulls and equipment of steamboats, comprising Part VII of the Rules for the inspection of steamboats and for the examination of engineers, established by Order in Council P.C. 2253 of 23rd December, 1904, are hereby revoked; and

2. The annexed "Regulations respecting the Inspection of Hulls and Equipment of Steamships" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE INSPECTION OF HULLS AND EQUIPMENT  
OF STEAMSHIPS

1. These regulations may be cited as the *Hull Inspection Regulations*.
2. In these regulations,
  - (a) "Act" means the Canada Shipping Act;
  - (b) "approved" means approved by the Board;
  - (c) "Board" means the Board of Steamship Inspection;
  - (d) "Chairman" means the Chairman of the Board;
  - (e) "equipment" includes lifeboats, life saving equipment, fire extinguishing equipment, anchors, cables, apparatus for the detection and extinction of fire, compasses, lights, signals, navigating appliances, and all other apparatus designed or required for the safety of a ship or the protection of passengers and crew;
  - (f) "existing ship" means a ship that is not a new ship;
  - (g) "first inspection" means inspection of a ship during construction and includes the initial inspection of a ship transferred from registry elsewhere than in Canada to Canadian registry;
  - (h) "hull" means the bdy of a steamship, including the masts and rigging, and all parts of its structure;
  - (i) "inspector" means a steamship inspector appointed under the provisions of the Act;
  - (j) "new steamship" means a ship the keel of which was laid on or after the coming into force of these regulations and includes a foreign steamship which has been approved for registration in Canada whether built before or after the coming into force of these regulations;

**Canada Shipping Act—continued**

- (k) "steamship" means any ship propelled by machinery, not being a sailing ship as defined in the Act;
- (l) "strength deck" means the uppermost continuous deck, except in way of an effective superstructure, when the superstructure deck shall be considered the strength deck.

*First inspection*

3. (1) Subject to section 13 new steamships in excess of sixty feet registered length shall be constructed in accordance with plans which have been approved by the Board, and shall be inspected at suitable intervals during construction; the inspection shall be for the purpose of ensuring that the construction is in accordance with the approval plans and that the materials used and the workmanship are satisfactory; where material or workmanship is found on inspection to be unsatisfactory or defective, such alterations or replacements shall be made as may be necessary to rectify the deficiency; plans as specified in Schedule F shall be submitted for approval prior to construction being commenced.

(2) Where such ships are not built in Canada but are in class with an approved classification society or have been certificated by an authority recognized by the Board, completion of first inspection in Canada shall be as required by the Board, each case to be decided on its merits.

(3) New steamships not in excess of sixty feet registered length shall be constructed in accordance with plans or details which have been approved by an inspector in the locality in which the ship is being built and the ship shall be inspected during construction as specified in subsection (1).

(4) Construction of important parts of a ship should not be commenced until approval of the plans has been obtained; where construction is commenced before approval is obtained the builder may be required to make such alterations as may be considered necessary to comply with the conditions of approval.

4. (1) Before a new ship is launched, the compartments within the main hull shall be subjected to hose or pressure tests as follows:

- (a) Double bottoms that are not to be used for the carriage of oil—a head of water which shall be equal to the maximum head that can be experienced in service.
- (b) Deep tanks and peak tanks used for the carriage of water, and deep tanks and double bottom tanks arranged for the carriage of oil fuel—a head of water equal to the maximum head to which the tanks can be subjected in service but not less than eight feet above the crown of the tanks where the moulded depth to the strength deck exceeds sixteen feet, and three feet where the moulded depth does not exceed ten feet; intermediate heads may be obtained by interpolation between sixteen feet and ten feet.
- (c) Peak bulkheads which do not form the boundaries of tanks shall be tested by filling the peaks with water to the level of the load waterline.
- (d) Watertight bulkheads, including recesses and watertight flats, watertight tunnels, weather decks and waterways, shall be hose tested; the pressure of water in the hose shall be not less than thirty pounds to the square inch.



**Canada Shipping Act—continued**

- (e) Cargo tanks in tankers shall be filled with water to a head of eight feet above the highest point of the tanks, excluding the hatchways.

NOTE: This test may be conducted before the ship is launched, or afterward in dry dock. If special conditions exist which will not permit of either of these arrangements, an alternative arrangement may be made to the satisfaction of the inspector.

- (f) Cofferdams in tankers shall be filled with water to the top of the hatchways.

(2) Where tanks are to be cemented the tests shall be carried out before the cementing is commenced.

5. Inspection of the underwater portion of a ship for the issue of a load line certificate, or for the issue of a Safety Convention certificate, shall be completed and the draught marks verified before the ship is floated.

6. All sea connections and discharge openings in the hull shall be carefully inspected, those in the underwater portion being inspected before the ship is floated.

7. The means for closing openings in the hull, decks and super-structures shall be inspected before the ship goes into service, and where such openings are required to close watertight, they shall be hose-tested; the pressure of the water in the hose shall be not less than thirty pounds to the square inch.

8. Fire-resisting bulkheads and fire-resisting doors shall be inspected and self-closing arrangements for fire-resisting doors shall be tested.

9. All watertight doors within the hull shall be inspected, tried under working conditions and hose tested; the pressure of the water in the hose shall be not less than thirty pounds to the square inch.

10. The means for pumping shall be tested before the inspection is completed.

11. The steering arrangements shall be inspected during construction and tried under working conditions; where rod and chain steering gear leads are fitted the following spare gear shall be provided, and shall be inspected:

One complete spring buffer and one extra spring, two tested chains each equal to the longest length in the gear, two turnbuckles, four shackles, four connecting links and four rod pins; provided that in ocean-going steamships, the speed of which is twelve knots or more, one buffer spring, one turnbuckle, and one length of chain may be dispensed with, and that in steamships engaged on Home-trade voyages, Class III, having either a main gear which is hand-operated, or an auxiliary gear independent of the rods and chains that can be effectively operated, the spare gear may be confined to sufficient shackles or split links to enable repair of the gear to be readily effected in the event of a breakdown; and provided, further, that in all other steamships engaged on Home-trade voyages, Class III, the spare gear shall be as required for ships the speed of which is twelve knots or more.

**Canada Shipping Act—continued**

12. The masts and rigging shall be inspected during construction, and tests of the cargo gear shall be made in the presence of a competent person, as prescribed in the Regulations for the Protection against Accident of Workers employed in Loading or Unloading Ships.

13. Steamships transferred from registry elsewhere than in Canada to Canadian registry are deemed to be "new ships" and are subject to inspection as follows:

- (a) They shall be completely inspected in dry dock and checked against plans showing the ship's construction; provided that where plans are not obtainable the matter shall be referred to the Board. In all cases full particulars of the ship's stability, including a copy of the hydrostatic curves shall be submitted, but if this information is not available an inclining experiment shall be conducted in the presence of and to the satisfaction of the inspector and the owners shall also provide a set of hydrostatic curves. The inspector shall forward to the Chairman a report of the inclining experiment and a copy of the hydrostatic curves. In the case of small ships, these requirements may be waived by the Board after consideration of the proportions of the ship.
- (b) After checking the ship against the plans the inspector shall forward to the Chairman a report, with a copy of the plans, stating whether or not the ship is constructed in accordance with the plans; if any difference exists between the ship and the plans the inspector shall make a detailed report accordingly; the condition of the ship and any defects that may be discovered shall be noted. Where considered necessary by the inspector, a section of the deck covering shall be removed to determine the thickness of the deck plating below.
- (c) In the case of a ship more than twelve years old the hull shall be drilled in accordance with the requirements of section 20 (a) and a report regarding the thicknesses found shall be forwarded to the Chairman, but in the case of a classed ship this requirement may be waived if the inspector is satisfied that no serious reduction in thickness exists.
- (d) The suitability of the ship for the proposed service shall also be considered by the inspector, who will state his views thereon in his report.
- (e) After examination of the plans and the report the Board shall determine the suitability of the ship for the proposed service and shall issue instructions regarding any alterations or renewals it may consider necessary before the ship is accepted.
- (f) After approval of the plans the inspection shall proceed in the same manner as for a new ship and a complete inspection of the hull shall be made as prescribed in sections 3 to 12.
- (g) For the inspection required by subparagraphs (a), (b), (c), (d), (e), and (f), the hull shall be cleaned inside and outside, all compartments being opened for access, and facilities provided by the owner so that complete inspection may be made; the ship shall not be floated until inspection of all underwater portions has been completed.

**Canada Shipping Act—continued***Periodical inspections*

14. (1) Passenger steamships in excess of 5 tons, gross tonnage, and non-passenger steamships in excess of 150 tons, gross tonnage, shall be inspected annually in accordance with section 16 and shall be inspected quadrennially in accordance with sections 17 to 20.

(2) Non-passenger steamships in excess of 15 tons, gross tonnage, and not in excess of 150 tons, gross tonnage, are required by the Act to be inspected every four years, and for the purpose of this inspection the requirements of sections 17 to 20 shall apply.

*Underwater inspections*

15. (1) Steamships shall be inspected in dry dock or on a slipway as prescribed in Schedule A, provided that in a case where an owner cannot comply with the requirements of Schedule A, the Board, if satisfied that it can with propriety do so, may allow postponement of underwater inspection for a period not exceeding six months. At underwater inspection the ship shall be placed on blocks of sufficient height, and suitable stages shall be erected around the ship to facilitate proper inspection of the outside of the hull and its appendages.

(2) In the case of small non-passenger ships, underwater inspection other than in a drydock or on a slipway, may be permitted provided the inspector is satisfied that with such inspection he can properly determine the condition of the outside of the hull and its appendages.

*Annual inspections*

16. The annual inspection referred to in subsection (1) of section 14 shall be carried out as follows:

- (a) The ship shall be inspected externally and internally as far as may be possible without extensive opening up, and tests, if found necessary, shall be conducted to the inspector's satisfaction to ensure that conditions are satisfactory. Where a definite standard of subdivision has been approved, inspection shall be made to ensure that the watertight compartments and all arrangements and details connected with the subdivision are in order and that no changes affecting them have been made.
- (b) Alterations in approved subdivision arrangements and details, including watertight and non-watertight longitudinal bulkheads if fitted, appropriation of space below the bulkhead deck, and other alterations that have been made since the previous inspection shall be reported in detail; special attention shall be given to parts in the structure that are particularly subject to excessive deterioration from such causes as chafing, lying on the ground, or the handling of cargo.
- (c) Scupper and sanitary discharge valves and other appliances intended to prevent the accidental admission of water into the hull, excluding valves and cocks connected with the machinery (see paragraphs 5 and 8 of Schedule D of the Regulations respecting the Inspection of Machinery of Steamships) shall be inspected; when a ship has a large number of scupper and sanitary discharges, and examination of at least twenty-five per cent of these valves and cocks annually shows that they are generally in good

**Canada Shipping Act—continued**

condition the opening up of the remainder will not be necessary provided that every valve and cock is opened up for inspection at least once in every four years. A record of the opening up and examination of such valves and cocks shall be kept on board the ship. All side scuttles shall be examined, and where required to have special locking arrangements, these locking arrangements shall be tested and the inspector shall take such steps as are necessary to ensure that proper instructions with regard to these arrangements are posted in the chart room.

- (d) Where rod and chain steering gear leads are fitted, the spares specified in section 11 shall be inspected.
- (e) All watertight doors and other means for closing openings in the watertight subdivision shall be inspected and their condition and efficiency ascertained; the doors shall be tried by hand, and also by power, if operated by power.
- (f) Warning signals, hand gear indicators showing when doors are closed, and indicators at central closing stations shall be inspected and tested.
- (g) Hinged watertight doors shall be inspected and operated to ensure that lever-operated clips are in good order and that all joints are watertight.
- (h) When a watertight door is removed for repairs it shall be hose-tested upon replacement, and, if practicable, shall be subjected to a hydraulic test.
- (i) Fire-resisting bulkheads and fire-resisting doors shall be inspected, and self-closing arrangements for fire-resisting doors shall be tested.
- (j) Hatchways with their closing and securing appliances, ventilators and other deck openings, casings and superstructure bulkheads with their closing appliances, windlass and anchor equipment, cargo and coaling doors, ash chutes and other openings in the shell plating, rudder, main and auxiliary steering gear shall be inspected.
- (k) In the case of passenger ships the anchor cables shall be ranged at all underwater inspections prescribed by Schedule A and the anchors and cables shall be inspected.
- (l) All parts of rod and chain steering gear shall be inspected; the chain in the vicinity of the blocks shall be cleaned to allow of proper inspection, and where any chain is so worn that the diameter at any part is reduced to the size shown in Schedule D, that part shall be renewed and the requirements of paragraph (w) of section 17 complied with.
- (m) The means for auxiliary steering shall be assembled, connected and tested.
- (n) Where cement is removed from the bottom the condition of the bottom plating shall be determined by the inspector before new cement is laid.
- (o) Masts, spars and rigging shall be to the satisfaction of the inspector.
- (p) Annual renewal surveys for freeboard shall, whenever possible, be made at the time of the annual inspection.



**Canada Shipping Act—continued**

- (q) In the case of wooden ships parts of the ceiling shall be removed at the discretion of the inspector in order that the condition of the hull, timbers, floors, etc., particularly in the engine room, boiler room and coal bunkers, may be ascertained.

*Quadrennial inspection*

17. (1) The first quadrennial inspection referred to in subsection (1) of section 14, shall be as follows, provided that where it is inconvenient for an owner to fulfill all the requirements of the quadrennial inspection at the due date, postponement of certain parts of that inspection may be allowed by the Board, but these parts shall be inspected within a period of twelve months from the commencement of the quadrennial inspection, and the succeeding quadrennial inspection shall become due four years from the original due date:

- (a) All holds and peaks shall be cleared.
- (b) In ships with a single bottom, limber boards and ceiling equal to not less than two strakes fore and aft on each side shall be removed, and one such strake being taken from the bilges; where the ceiling is fitted in hatches, the whole of the hatches and one strake of ceiling at the bilges shall be removed.
- (c) In ships with a double bottom a sufficient amount of ceiling shall be removed to enable the condition of the tank top to be ascertained and, if it is found that the plating is free from dirt and rust, the removal of the remainder of the ceiling may be dispensed with; all bilges and limbers fore and aft shall be cleaned.
- (d) Coal bunkers shall be cleared and ceiling removed as in the holds; in the case of Great Lakes ships, however, cleaning and ceiling removal shall be at the discretion of the inspector.
- (e) All steel work shall be exposed and cleaned to the extent required by the inspector for a proper examination; special attention shall be given to ash chutes and shell plating in way of openings.
- (f) In the case of a wooden ship parts of the ceiling shall be removed at the discretion of the inspector in order that the condition of the hull, timbers, floors, etc., particularly in the engine room, boiler room, and coal bunkers, may be ascertained.
- (g) All scupper and sanitary discharge valves, excluding those connected to the machinery, not recorded as having been inspected since the first inspection, shall be opened up. All side scuttles shall be examined and where required to have special locking arrangements these locking arrangements shall be tested and the inspector shall take such steps as are necessary to ensure that proper instructions with regard to these arrangements are posted in the chart room.
- (h) Where signs of wastage are evident in any part of a ship's structure drilling may be required, and if any part is found to be defective, or if material is reduced in thickness, the defect shall be replaced by material equal in scantling and quality to that of the original construction.

**Canada Shipping Act—continued**

- (i) Where the inner surface of the bottom plating is covered with cement or asphalt, the removal of the covering may be dispensed with when it is found, by heating or chipping, to be sound and adhering satisfactorily to the steel.
- (j) Double bottom tanks that are not used for the carriage of oil fuel shall be tested by a head of water to the light waterline, but in no case less than eight feet above the inner bottom. In the case of Great Lakes cargo ships the testing of tank tops may be waived at the discretion of the inspector, having regard to the voyages the ship makes.
- (k) Double bottom compartments used for the carriage of oil fuel shall be tested by a head of water or oil extending to the load waterline, or by a head sufficient to give the maximum pressure that they may be required to bear at any time, whichever is the greater.
- (l) Where peak tanks or deep tanks for carrying water ballast are fitted, their watertightness shall be tested as prescribed in paragraph (b) of subsection (1) of section 4.
- (m) All water ballast tanks shall be cleaned in order that their interior may be adequately inspected; special attention shall be given to tanks under boiler spaces.
- (n) Deep tanks constructed for carrying oil but not used solely for that purpose, and peak tanks used for carrying oil fuel, shall be inspected and tested by a head of water or oil sufficient to give the maximum pressure that can be experienced in service, or eight feet, whichever is the greater.
- (o) Double bottom fuel tanks, and fuel bunkers in ships that use oil fuel, need not be examined internally provided that upon a general inspection their condition is found to be satisfactory, but such spaces shall be tested as required in paragraph (k).
- (p) All watertight bulkheads, decks, tunnels and other subdivision arrangements shall be inspected to ascertain their condition, and if their watertightness has been impaired, any part found deficient shall be restored to its original condition.
- (q) Where a definite standard of subdivision has been approved, the watertight compartments and all arrangements and details connected with the subdivision shall be checked.
- (r) All masts, spars, and rigging shall be to the satisfaction of the inspector.
- (s) Anchors and other equipment shall be inspected; in the case of passenger steamships, chain cables shall be ranged, and anchors and chains inspected; when any length of chain cable is found to be reduced in diameter at any part to the extent indicated in the table in Schedule D, it shall be renewed; where renewal of anchors or chains is required a certificate shall be produced to show that the replacement has been tested as prescribed in Schedule B, C or E; the interior of the chain locker in passenger ships shall be cleared and cleaned and the compartment inspected.
- (t) Hatch covers and supports, tarpaulins, cleats, battens, and other means of securing all hatches, shall be inspected.
- (u) Ventilator coamings and covers shall be inspected.

**Canada Shipping Act—continued**

- (v) The rudder, its means of support, and the pintles and gudgeons, shall be inspected, and, if considered necessary by the inspector for proper examination, the rudder shall be lifted.
- (w) All steering gear leads shall be dismantled to permit of a detailed examination of all parts; where any length of chain is so worn that the diameter at any part is reduced to the size shown in Schedule D, that part shall be renewed; all replacements of steering gear chain, or chain that has been repaired, shall be subjected to the proof and breaking tests specified in Schedule B or C; these tests shall be carried out by an authority approved by the Board and certificates of tests shall be furnished.

NOTE: A testing authority approved by a classification society will be acceptable to the Board. In a case where testing by such an authority is not possible full particulars shall be submitted to the Chairman.

- (x) Where rod and chain steering gear leads are fitted the spares specified in section 11 shall be inspected.
- (y) The main steering gear shall be tested.
- (z) The means for auxiliary steering shall be assembled, connected and tested.
- (aa) Sluice valves and protective casings around air and sounding pipes shall be opened to permit of inspection.
- (bb) All watertight doors and other means for closing openings in watertight subdivisions shall be inspected and their condition and efficiency ascertained, the doors shall be tried by hand, and also by power, if operated by power.
- (cc) Warning signals, hand gear indicators showing when doors are closed, and indicators at central closing stations, shall be inspected and tested.
- (dd) Hinged watertight doors shall be inspected and operated to ensure that lever-operated clips are in good order and that all joints are watertight.
- (ee) When a watertight door is removed for repairs it shall be hose-tested upon replacement, and if practicable, shall be subjected to a hydraulic test.
- (ff) Fire-resisting bulkheads and fire-resisting doors shall be inspected and self-closing arrangements for fire-resisting doors shall be tested.
- (gg) Striking plates under sounding pipes shall be examined, and renewed when necessary.
- (hh) Where holds are insulated for the purpose of carrying refrigerated cargoes and the hull in way of the insulation was inspected when the insulation was fitted, it shall be sufficient to remove the limbers and hatches to expose the plating in way of these parts.
- (2) Oil tankers are subject to the following additional requirements:
  - (a) The cargo tanks shall be cleaned and thoroughly cleared of gas.
  - (b) The strums of the cargo suction pipes shall be removed to facilitate inspection of the shell plating and bulkheads in their vicinity.

**Canada Shipping Act—continued**

- (c) Each oil compartment and cofferdam, except in a case where the cofferdam between the engine room and the cargo tanks is used as a pump room, shall be tested by being filled with water to the top of the hatchway in the expansion trunk or cofferdam; provided that the tanks may be filled to the light waterline when the ship is in dry dock and the remainder of the test carried out afloat; the centre line bulkhead need not be tested independently. Where a pump room forms the cofferdam between cargo tanks and the machinery space the inspector shall be satisfied that the integrity of the engine room bulkhead is being maintained.
- (d) Where extensive repairs have been made to the shell plating, the tanks shall be tested by being filled when the ship is in dry dock; where this is not practicable, particulars of any method proposed to be used in testing the tanks shall be submitted for the approval of the Board.
- (e) If desired by the owner, a system of inspection and testing of oil compartments may be adopted which will provide for the inspection and testing of all compartments every four years, but the period between consecutive inspections and testing of each compartment shall in no case exceed four years.

18. At each quadrennial inspection after the first quadrennial inspection the following additional requirements shall apply:

- (a) Additional ceiling in holds and coal bunkers shall be removed to enable the condition of the inner bottom plating, pillar feet and the bottom plating of bulkheads and tunnel sides, to be examined; if considered necessary by the inspector, all of the ceiling shall be removed; removal of additional ceiling and of fastenings, at the discretion of the inspector, shall apply also in the case of wooden ships.
- (b) In ships with a single bottom, one additional strake of the limber boards and ceiling all the way fore and aft on each side shall be removed.
- (c) Subject to the requirements of paragraph (g) all double bottom and other tanks, including oil fuel bunkers and cofferdams, shall be cleaned for internal inspection. In a case where the double bottom tanks are used exclusively for fuel oil, the No. 1 double bottom tank shall be gas-freed, thoroughly cleaned out and examined internally and, if found satisfactory, the gas-freeing and cleaning of the remaining double bottom oil tanks will not be necessary, provided that, upon a general external examination of the tanks, the inspector finds their condition satisfactory; likewise, the gas-freeing, cleaning and internal examination of other tanks (excluding peak tanks) used exclusively for fuel oil, will not be necessary if after general examination the inspector finds their condition satisfactory.
- (d) Plating in way of the side scuttles shall be exposed for examination.
- (e) Chain cables of all ships shall be ranged and anchors and chains inspected; where any length of chain cable is found to be reduced in diameter at any part to the extent indicated in the table in



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Schedule D, it shall be renewed; where the renewal of anchors or chains is necessary, certificates shall be produced to show that the replacements have been tested as required by Schedule B, C or E.

- (f) The interior of the chain locker shall be cleared and cleaned and the compartment inspected.
- (g) In the case of Great Lakes ships, oil fuel bunkers shall be cleaned and examined twelve years after first inspection and every eight years thereafter.

19. At the quadrennial inspection next after ten years following the first inspection, and at each quadrennial inspection thereafter until a period of twenty-four years from first inspection has elapsed, the following additional inspection shall be carried out:

- (a) All steel work shall be cleaned and the rust removed, to the extent required by the inspector for a proper examination.
- (b) Casings of pipes, spar ceiling and lining in way of the side scuttles shall be renewed as required by the inspector.
- (c) All the ceiling in the bunkers shall be removed for examination of the steel work. Portions of the ceiling in the holds shall be removed to establish the condition of the steel work, and unless found free from rust and in good condition all of the ceiling shall be removed.
- (d) A thorough examination shall be made of the structure inside coal bunkers, beneath ship's side discharges, in way of boilers, steam pumps, watertight doors in machinery spaces, and in any locality where there is leakage from pipes and machinery or where continuous condensation occurs.
- (e) All double bottoms, cofferdams and other tanks shall be thoroughly cleaned, gas-freed where oil is carried and examined internally.
- (f) In the case of wooden ships the requirements for boring, fastening and removal of ceiling as specified for previous quadrennial inspection, shall be augmented to the extent considered necessary by the inspector; hull sheathing shall be removed as considered necessary to facilitate complete examination of the hull.
- (g) Portions of the cement chocks at the ship's sides shall be removed to permit of examination of adjacent steel work.
- (h) Where the holds are insulated for the purpose of carrying refrigerated cargo and the hull in way of the insulation was inspected when the insulation was fitted, enough insulation shall be removed from each of the chambers, and the framing and plating exposed so that their condition may be ascertained.
- (i) All mast and bowsprit wedging shall be removed; where the plating is doubled in way of the wedging, the wedging only need be removed.

20. At the quadrennial inspection next after twenty-four years following the first inspection, and at every inspection twelve years thereafter, or at the next quadrennial inspection after the expiration of the latter period, the following additional inspection shall be carried out:

- (a) Subject to the provisions of paragraph (b) the shell plating shall be drilled at such parts as may be considered necessary to ascertain its thickness; the number of holes drilled on each side of the

**Canada Shipping Act—continued**

ship shall in no case be less than three in each strake of plating not covered with cement, the holes being drilled about amidships and in the vicinity of the peak bulkheads; all paint and rust shall be removed before the plates are gauged, and the actual thickness at all parts drilled shall be recorded; the plating in way of cement in the bottom need not be drilled provided the cement is found to be adhering satisfactorily to the plating and it is considered that drilling at this part is unnecessary.

- (b) In the case of Great Lakes ships the inspector shall satisfy himself that the condition of the shell plating is satisfactory. Particular attention shall be given to those parts which are subject to damage in canals and locks and to all parts which are particularly subject to excessive corrosion or wear and tear. The thickness of materials shall be ascertained by drilling where considered necessary by the inspector.
- (c) Where the holds are insulated for the purpose of carrying refrigerated cargo, and the hull in way of the insulation was inspected when the insulation was fitted, additional insulation shall be removed in each of the chambers to permit of the framing and plating being exposed, so that their condition may be ascertained and the shell plating drilled as prescribed in paragraph (a).
- (d) All mast and bowsprit wedging shall be removed whether the plating in way is doubled or not.
- (e) The requirements of section 19 apply to quadrennial inspections held between the twelve-year periods referred to in this section.

*Inspection of Equipment*

21. Inspection of the statutory equipment required to be carried in a ship shall be as follows:

- (1) (a) All lifeboats shall be swung out and lowered into the water at every inspection except that in exceptional circumstances lowering of the lifeboats may be waived at the discretion of the inspector who shall, however, satisfy himself regarding the length and condition of all lifeboats, falls and lifelines.
- (b) Lifeboats shall be inspected with all moveable equipment removed.
- (c) All lifeboat equipment shall be inspected, checked and properly re-stored.
- (d) All lifeboat markings shall be checked.
- (e) New lifeboat installations shall be tested with the full equipment and distributed weights representing the complement required to be on board at the time of launching, plus ten per cent of the complement weight; (the weight of an adult shall be taken as 165 pounds).
- (f) All air cases, or approved portable substitutes therefor, shall be removed from lifeboats for complete inspection and testing at intervals not exceeding four years; where the approved substitute for air cases forms an integral part of the lifeboat the inspector shall take drillings as he considers necessary to determine the condition of the substitute material.

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- (2) (a) Life rafts, their equipment, and stowage arrangements shall be inspected and the means provided for placing them in the water shall be tested.
- (b) All life raft markings shall be checked.
- (c) All air cases, or approved portable substitutes therefor, shall be removed for complete inspection and testing at intervals not exceeding four years; where the approved substitute for air cases forms an integral part of the life raft the inspector shall take drillings as he considers necessary to determine the condition of the substitute material.
- (3) (a) Buoyant apparatus shall be inspected.
- (b) All buoyant apparatus markings shall be checked.
- (c) All air cases, or approved substitutes therefor, shall be removed for complete inspection and testing at intervals not exceeding four years; where the approved substitute for air cases forms an integral part of the buoyancy unit the inspector shall take drillings as he considers necessary to determine the condition of the substitute material.
- (4) Where repairs to a lifeboat, life raft or buoyant apparatus are necessary, they shall be made before a certificate is issued.
- (5) Lifejackets, lifebuoys with their lights and lines, and line-throwing appliances shall be inspected; the means provided for stowage shall be satisfactory to the inspector.
- (6) (a) All fire extinguishers shall be inspected, and the spare charges checked.
- (b) Fire-detecting and sprinkler systems shall be inspected and tested.
- (c) Fire hose, fire buckets, fire axes and safety appliances shall be inspected.
- (7) Smoke helmets, breathing apparatus, and safety lamps shall be inspected; the harness shall be examined and the hose and lifelines stretched; the apparatus and safety lamps shall be tested.
- (8) Navigation instruments, boat's distress signals, and all equipment essential to the safe navigation of the ship shall be checked and inspected.

## SCHEDULES

Schedule A—Intervals between underwater inspection

Schedule B—Chain cables, stream chains and steering chains  
(Wrought iron short link chain cables)

Schedule C—Chain cables, stream chains and steering chains (Stud link chain cables)

Schedule D—Renewal of steering chains and chain cables when worn

Schedule E—Proof of tests for anchors

Schedule F—Plans of ships over sixty feet in length.

Copies of Schedules A to F may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**Canada Shipping Act—continued**

**10. Aids to Navigation Protection Regulations**

P.C. 1954-1482

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 30th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 593 of the Canada Shipping Act, is pleased to order as follows:

1. The regulations for the protection of lightships, buoys, beacons and floating lights, established by Order in Council P.C. 1208 of 20th May, 1907, are hereby revoked; and

2. The annexed "Aids to Navigation Protection Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**AIDS TO NAVIGATION PROTECTION REGULATIONS**

1. These regulations may be cited as the *Aids to Navigation Protection Regulations*.

2. In these regulations "aid to navigation" means a lightship, buoy, beacon or floating light.

3. Every person who wilfully or negligently injures, conceals, removes, alters or destroys an aid to navigation or permits any vessel or tow under his control to run foul of or be made fast to any aid to navigation is guilty of an offence and is liable to a fine not exceeding \$200.00.

4. (1) The person in charge of any vessel or tow which, through unavoidable accident or otherwise, runs down, moves or in any way injures or destroys an aid to navigation shall report the fact as soon as practicable to the Customs Officer at the nearest port.

(2) Every person who is required by subsection (1) to report to a Customs Officer and who fails so to report as soon as practicable is guilty of an offence and is liable to a fine not exceeding \$50.00.

**11. Buoyage and anchorage dues, harbour of Sorel**

P.C. 1954-1483

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 30th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to sections 604 and 610 of the Canada Shipping Act, is pleased to order as follows:

1. The tariff of buoyage and anchorage dues applicable at the harbour of Sorel, established by Order in Council P.C. 725 of 6th April, 1938, is hereby revoked; and



**Canada Shipping Act—continued**

2. The annexed "Tariff of buoyage dues and anchorage dues applicable at the harbour of Sorel" is hereby made and established in substitution for the tariff hereby revoked.

TARIFF OF BUOYAGE DUES AND ANCHORAGE DUES APPLICABLE  
AT THE HARBOUR OF SOREL

1. In this tariff,

- (a) "anchorage" means a charge, payable to the harbour master or other duly authorized officer, levied on a vessel for anchoring which, for the purposes of this tariff, means anchoring within the harbour limit and not docking or mooring at a buoy.
- (b) "buoyage" means a charge, payable to the harbour master or other duly authorized officer, levied on a vessel for mooring at a buoy which, for the purposes of this tariff, means mooring at any buoy, dolphin or similar facility, under the administration, management or control of the Minister of Transport in the harbour of Sorel and not used in conjunction with a structure for which a dockage charge is payable.

2. Buoyage Charges:

On every vessel mooring at a buoy, there shall be paid, except as hereinafter provided, buoyage charges as follows:

For each twelve consecutive hours or part thereof  
—one-quarter cent per net registered ton.

3. Anchorage Charges:

On every vessel anchoring beyond a period of thirty consecutive days from the date of first anchoring, there shall be paid, except as hereinafter provided, anchorage charges as follows:

For each succeeding thirty days or part thereof  
—one and one-half cents per net registered ton.

4. (1) On every vessel permitted to moor at a buoy or anchor in the harbour from the close of navigation in any calendar year to the opening of navigation in the succeeding calendar year, and not engaged in commercial activity during that period, there shall be paid, except as hereinafter provided, the following charges:

- (a) Vessels 150 feet overall length and under .....\$25
- (b) Vessels over 150 feet overall length ..... 50

(2) In the event of a vessel laying up during the non-navigation season as above provided, and engaging in commercial activity during the whole or part of such period, there shall be paid in respect of such vessel while thus engaged, in addition to the charges prescribed by subsection (1), a further charge at the rate of two and one-half cents per net registered ton per month or part thereof.

*Minimum Charge*

5. Notwithstanding anything hereinbefore set forth, the minimum charge for buoyage or anchorage will be one dollar.

**Canada Shipping Act—continued**

*Exemptions*

6. The following vessels shall be exempt from the payment of buoyage and anchorage charges:

- (a) vessels of Her Majesty's Government not engaged in commerce;
- (b) vessels of foreign governments not engaged in commerce;
- (c) vessels mooring or anchoring in the interests of safety of navigation, provided that such vessels enter the harbour and depart therefrom within a period of twelve consecutive hours and do not engage in commercial activity while therein;
- (d) vessels ordinarily engaged in Great Lakes-River St. Lawrence traffic while loading or discharging bulk grain only, or while waiting to load or discharge bulk grain.

**12. Exemption of certain vessels plying the Great Lakes from provisions of subsections (6) and (7) of section 411**

P.C. 1954-1681

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to subsection (8) of section 411 of the Canada Shipping Act, is pleased to exempt and doth hereby exempt from the obligations imposed by subsections (6) and (7) of section 411 of the Canada Shipping Act, passenger steamships of more than sixty-five feet in length (measured from end to end over the deck exclusive of sheer), and cargo ships of five thousand tons gross tonnage or upwards plying on the Great Lakes, as hereinafter described; provided that such ships are fitted with radiotelephone installations in accordance with the regulations made by the Minister of Transport pursuant to the provisions of section 414 of the Canada Shipping Act.

*The Great Lakes*

The Great Lakes, meaning all the Great Lakes, their connecting and tributary waters, and the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but not including tributary rivers which are not also connecting rivers, and not including the Niagara River (including the Black Rock Canal), as defined in Article 2 of the Agreement between Canada and the United States of America for the Promotion of Safety on the Great Lakes by means of Radio, signed at Ottawa, February 21, 1952, in force November 13, 1954.

**Canada Shipping Act—continued****13. Minor Waters Navigation Regulations**

P.C. 1954-1741

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to section 645 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulation relating to the speed of motor vessels on the minor waters of Canada, established by Order in Council P.C. 314 of 10th February, 1939, is hereby revoked; and

2. The annexed "Minor Waters Navigation Regulations" are hereby made and established in substitution for the regulation hereby revoked.

**MINOR WATERS NAVIGATION REGULATIONS**

1. These regulations may be cited as the *Minor Waters Navigation Regulations*.

2. In these regulations, "minor waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay), Superior and Winnipeg and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify.

3. No person shall drive or operate a vessel on any waters forming part of the minor waters of Canada recklessly or in a manner or at a speed that is dangerous to navigation or to life or limb having regard to all the circumstances including the nature, condition and use of such waters and the navigation or use which is actually or might reasonably be expected to be on or in such waters.

4. Everyone who contravenes the provisions of these regulations is guilty of an offence and liable, on summary conviction, to a fine not exceeding two hundred dollars.

**Canada Shipping Act—continued****14. Small Vessel Licensing Regulations**

P.C. 1954-1742

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 109 of the Canada Shipping Act, is pleased to order as follows:

1. That Regulations for the licensing of ships and vessels exempt from registry, established by Order in Council P.C. 1660 of 4th April, 1951, as amended, are hereby revoked; and

2. The annexed "Small Vessel Licensing Regulations" are hereby made and established in substitution for the regulations hereby revoked.

## SMALL VESSEL LICENSING REGULATIONS

1. These regulations may be cited as the *Small Vessel Licensing Regulations*.

2. In these regulations, "Act" means the Canada Shipping Act.

3. Vessels that are exempted from the provisions of the Act relating to measurement and registration and are not propelled by machinery, are exempted from the provisions of the Act with respect to the licensing of small vessels and from the provisions of these regulations.

4. The owner of a vessel not exceeding ten tons register tonnage which is permanently or temporarily equipped with a detachable motor of ten horsepower or more, shall obtain a licence for such vessel from the Chief Officer of Customs at some port or place in Canada.

5. The provisions of section 108 of the Act and of these regulations apply to a vessel maintained or operated in Canada by a person not qualified to own a British Ship.

6. The provisions of sections 107 and 108 of the Act and of these regulations do not apply to a vessel or to a ship not exceeding ten tons register tonnage and not equipped with a motor of ten horsepower or more.

7. Every licensed ship or vessel shall at all times have the number of her last licence, together with the Customs port number of the port at which she was last licensed, painted or otherwise marked on each bow and on the stern in visible block characters not less than three inches in height.

8. The owner of a ship or a vessel who fails, without reasonable cause, to obtain a licence for or to mark his ship or vessel in accordance with the requirements of the Act, or of these regulations, shall be liable on summary conviction to a fine not exceeding one hundred dollars. For the purpose of this section the word "owner" includes the person referred to in section five hereof.

9. Notwithstanding these regulations, the owner of a ship or vessel which is exempted from the provisions of the Act with respect to the licensing of small vessels and from the provisions of these regulations, may obtain a licence for such ship or vessel from the Chief Officer of Customs at some port or place in Canada.

10. The licence provided for under sections 107 and 108 of the Act and under these regulations shall be in the form set forth in the Schedule hereto.



Canada Shipping Act—continued

Schedule

Vessel Licence

		Port No. ....
	<b>VESSEL LICENCE</b>	Licence No. ....
VESSEL NAME AND SERVICE		Customs Office .....
	CANADA	
	DEPARTMENT OF TRANSPORT	
NAME AND ADDRESS		
OF OWNER(S)		

PARTICULARS OF VESSEL:

Length	Breadth	Depth
Register Tonnage	Type:	Outboard [ ]
		Inboard [ ]
		Aux. Sailing [ ]

PARTICULARS OF ENGINE:

Maker's Name	Eng. No.	Cylinders	H.P.
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THE VESSEL ABOVE DESCRIBED IS HEREBY LICENSED UNDER THE  
AUTHORITY OF THE CANADA SHIPPING ACT

Issued by	
Date	



SMALL VESSEL LICENSING REGULATIONS

- Reg. 7—Every licensed ship or vessel shall, at all times, have the number of her last licence, together with the Customs port number of the port at which she was last licensed, painted or otherwise marked on her bows and stern in visible block characters not less than three inches in height.
- Reg. 8—The owner of a ship or vessel who fails, without reasonable cause, to obtain a licence for or to mark his ship or vessel in accordance with the requirements of the Act, or of these regulations, shall be liable on summary conviction to a fine not exceeding one hundred dollars. For the purpose of this section the word “owner” includes the person referred to in section five hereof.

BILL OF SALE

(For use, if desired, on transfer of Ownership)

I (we), the undersigned, owner(s) of the vessel described in this Licence, in consideration of the sum of ..... receipt whereof is hereby acknowledged, hereby sell and transfer all of my (our) right, title and interest in the vessel to ..... day of ..... 19.....

Executed in the presence of:

.....	.....
.....	Signature of Owner(s)

Canada Shipping Act—continued

**15. Method of computing horsepower of engines**

P.C. 1954-1743

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to paragraph (59) of section 2 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations prescribing the method of computing nominal horsepower of engines in steamships, established by Order in Council P.C. 2284 of 9th September, 1936, are hereby revoked; and

2. The annexed "Regulations respecting the method of computing nominal horsepower for engines in steamships", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE METHOD OF COMPUTING NOMINAL HORSE  
POWER FOR ENGINES IN STEAMSHIPS

1. For the purposes of section 115 of the Canada Shipping Act, the nominal horse power of engines shall be computed as follows:

- (a) the nominal horse-power of a reciprocating steam-driven engine shall be computed by adding together the squares of the diameters of the cylinders, taken in inches, and dividing the result by thirty;
- (b) the nominal horse-power of an internal combustion, or motor engine shall be computed by adding together the squares of the diameters of the cylinders, taken in inches, and dividing the result by sixty; and
- (c) the nominal horse-power of a turbine engine shall be the number which, in the opinion of the Board of Steamship Inspection, bears the same ratio to the actual power developed in the turbine engine as the nominal horse-power of a reciprocating steam-driven engine bears to the actual power developed in that engine.

2. For the purposes of the examination of and the issuing of certificates to engineers under the provisions of section 129 of the Canada Shipping Act, the nominal horse-power of reciprocating steam-driven engines and turbine engines shall be computed as provided in section 1; provided that, if the candidate so desires, the nominal horse-power of a reciprocating steam-driven engine may be computed by the following formula:

$$\text{N.H.P.} = \frac{(3H + D^2\sqrt[3]{S})\sqrt[3]{P}}{700}$$

Where H = the heating surface of the main boilers, in square feet,  
D = the diameter of the low pressure cylinder, in inches,  
S = the length of the stroke of the engine, in inches, and  
P = the pressure of the main boilers, in pounds per square inch.

**Canada Shipping Act—continued****16. Boat and Fire Drill Regulations**

P.C. 1954-1744

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to sections 410 and 453 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting Boat and Fire Drills, established by Order in Council P.C. 4238 of 22nd August, 1951, are hereby revoked; and
2. The annexed "Regulations respecting Boat and Fire Drills" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING BOAT AND FIRE DRILLS**

1. These regulations may be cited as the *Boat and Fire Drill Regulations*.

*Application*

2. These regulations apply to Canadian steamships that are required by section 391 or section 482 of the Canada Shipping Act to carry inspection certificates.

*Interpretation*

3. In these regulations,
  - (a) "cargo ship" means any steamship the gross tonnage of which exceeds fifty tons, which is not a passenger ship; and
  - (b) "passenger ship" means a steamship which carries more than twelve passengers in the case of Safety Convention ships and more than twenty-five passengers in the case of other ships.

*Frequency of Boat and Fire Drills*

4. Boat and fire drills shall be regularly practiced
  - (a) at intervals of not more than one week in passenger ships which make foreign voyages, home-trade voyages Class I, home-trade voyages Class II, home-trade voyages Class III, inland voyages Class I or inland voyages Class II;
  - (b) at intervals of not more than two weeks in passenger ships which make home-trade voyages Class IV, or minor waters voyages; and
  - (c) at intervals of not more than one month in cargo ships which make foreign voyages, home-trade voyages Class I, home-trade voyages Class II or home-trade voyages Class III, inland voyages Class I or inland voyages Class II.

**Canada Shipping Act—continued**

*Boat Drills*

5. Boat drills shall include practice in

- (a) preparation for the launching of lifeboats and other life saving appliances, seeing that the equipment required to be carried in these appliances is in place and properly stowed, and the drilling of the crew in their duties;
- (b) launching of one or more lifeboats, where the drill is held in port, so that all lifeboats carried in a ship shall be lowered into the water at intervals of not more than three months, and clearing and swinging out one or more of the lifeboats, where the drill is held at sea, so that every boat carried in a ship shall have been swung out at intervals of not more than one month;
- (c) the examination and testing at every drill of the propulsion gear, where motor lifeboats or lifeboats fitted with mechanical gear are carried, and checking the fuel supply in the motor lifeboats; and
- (d) the examination and testing of the emergency power system, where such a system is fitted, and all connections thereto.

*Fire Drills*

6. (1) During fire drills each member of the crew shall report at his emergency station and shall be drilled in his duties at that station; the engine room crew shall be exercised in their special duties in case of fire, putting the fire pumps into operation and manning the stations allotted to them for the purpose of fighting fire in the engine and boiler rooms, or elsewhere, as required.

(2) At all drills the fire hose shall be run out and examined and a proportion of the hose tested by water pressure so that every hose shall have been under pressure at least once a month.

(3) Where the fire doors, ventilating shafts or oil fuel valves from remote control are required to be closed during a fire the members of the crew assigned to such duties shall practise the necessary operations.

(4) Fire extinguishers shall be checked and at each drill one or more shall be discharged; the crew shall be instructed in the handling of the types of extinguishers carried.

(5) Smoke helmets and breathing apparatus shall be examined and members of the crew instructed and drilled in their use.

(6) At each fire drill, sprinkler systems and all fire alarm systems shall be tested and, where electric appliances are required in connection with such equipment, the entire system shall be checked to ensure that it is in good order.

(7) Where possible, boat and fire drills shall be carried out simultaneously, and the drills shall be so arranged that a proportion of the crew shall be assigned to boat stations at the time fire drills are practised.

*Closing Watertight Doors*

7. Where watertight doors, side scuttles or any other appliances that would require to be operated in case of emergency are fitted, boat and fire drills shall include practice in the operation of these appliances.



**Canada Shipping Act—continued***Muster of crew*

8. During the drills each member of the crew shall muster at the station to which he has been assigned by the muster list and shall practise the duties which have been assigned to him in that list, and shall also carry out any other duties which may be required of him by the officer in charge of the drill.

*Muster of passengers*

9. (1) In ships that carry passengers on voyages which exceed twenty-four hours duration a muster of passengers shall be held shortly after the commencement of each voyage, and for such musters advance notice shall be given to the passengers in order to avoid risk of panic due to the sounding of alarm signals.

(2) When a muster of the passengers is held the members of the crew assigned for the protection of the passengers shall

- (a) warn the passengers and marshal them to the muster stations or other place of safety;
- (b) see that the passengers obtain lifejackets and are properly dressed for protection against exposure;
- (c) instruct passengers in the proper adjustment of lifejackets and as to where spare lifejackets may be obtained;
- (d) control the movement of passengers and maintain order in the passageways and on the stairways;
- (e) instruct the passengers how to enter lifeboats at the embarkation stations, and, where accommodation for all passengers is not provided in lifeboats, instruct them how to make proper use of other lifesaving appliances; and
- (f) ensure that all passengers leave their cabins and, in a case of actual emergency, that all passengers are removed to a place of safety.

(3) When passengers are assembled, the officers in charge shall warn them that the sounding of the emergency signal is not necessarily a signal for the abandonment of the ship but is intended to alert all passengers and crew so that should an actual emergency exist they will be prepared for whatever action may be necessary.

(4) Muster stations for passengers shall be so arranged that the passengers can speedily be moved to the embarkation deck should the situation require the abandonment of the ship.

*Muster Lists*

10. (1) The master of every ship shall prepare a muster list which shall specify clearly

- (a) the duties of every member of the crew in case of emergency,
- (b) the signals to be used for boat and fire drills and for the abandonment of the ship, and
- (c) the boat stations for each member of the crew who are not immediately connected with the preparation of the boats for launching.

**Canada Shipping Act—continued**

(2) In preparing the muster list care shall be taken, where required by the Regulations respecting Life Saving Appliances, that certificated lifeboatmen are assigned to each lifeboat or other life saving appliance; and these certificated lifeboatmen shall be assigned to specific duties in the preparation for launching of the lifeboats, one being placed in charge of each boat or appliance to which a certificated deck officer is not assigned.

(3) The muster list shall specify the fire station assigned to each member of the crew and shall indicate clearly the location of that fire station.

*Examination of Equipment*

11. (1) On every occasion on which boat and fire drills are held the officer in charge of the ship shall require an examination to be made of all equipment used in such drills and also of the equipment carried in or on life saving appliances to ensure that the condition of all such equipment has not deteriorated since the certificate of inspection in respect thereof was issued; and where any equipment is found to be deficient or damaged it shall be renewed or repaired.

(2) Lifejackets, lifebuoys, line-throwing appliances and distress signals shall be examined to ascertain their condition and the manner in which they are stowed and any deficiency or improper stowage shall be corrected.

(3) All fire extinguishers that are discharged during a drill shall immediately thereafter be recharged.

(4) All equipment shall be returned to its proper location on completion of the examination.

*Entries in Log Books*

12. (1) The master of every passenger ship and of every cargo ship which is employed in making international voyages shall enter or cause to be entered in the official log book full particulars of each boat and fire drill and, in ships where an official log book is not required to be carried, a record of each drill shall be entered into the agreement with the crew.

(2) In cargo ships which are not employed in making international voyages a permanent record shall be kept of each boat and fire drill.

(3) If for any reason the boat and fire drills herein prescribed are not held an entry shall be made in the record required by this section which shall specify the drill or drills that were not held and state the reason, in each case, for the omission.

*Notices*

13. Notices which shall include a description of the signals to be used in calling for boat and fire drills shall be exhibited in the accommodation spaces in passenger ships.

**Canada Shipping Act—continued****17. Home-Trade, Inland and Minor Waters Voyages Regulations**

P.C. 1954-1745

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to sections 395, 410 and 482 of the Canada Shipping Act is pleased to order as follows:

1. Regulations respecting the classification of Home-Trade, Inland, and Minor Waters Voyages, established by Order in Council P.C. 1953-1233 of 5th August, 1953, are hereby revoked; and

2. The annexed "Regulations respecting the classification of Home-Trade, Inland, and Minor Waters Voyages" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE CLASSIFICATION OF HOME-TRADE,  
INLAND, AND MINOR WATERS VOYAGES

1. These regulations may be cited as the *Home-Trade, Inland, and Minor Waters Voyages Regulations*.

2. In these regulations "miles" means nautical miles.

3. As a basis for the issuance of certificates for steamships employed in making home-trade voyages, inland voyages and minor waters voyages, such voyages shall be divided into the following classes:

- (a) Home-trade voyage, class I,
- (b) Home-trade voyage, class II,
- (c) Home-trade voyage, class III,
- (d) Home-trade voyage, class IV,
- (e) Inland voyage, class I,
- (f) Inland voyage, class II,
- (g) Minor waters voyage, class I, and
- (h) Minor waters voyage, class II.

4. (1) A home-trade voyage, class I, means a home-trade voyage in the course of which a steamship may go anywhere within the limits of a home-trade voyage.

(2) A home-trade voyage, class II, means a home-trade voyage in the course of which, on the Atlantic Coast, a steamship does not go north of Cape Chidley, Labrador, or south of the port of New York, and on the Pacific Coast does not go west of Cape Spencer or south of Portland, Oregon.

**Canada Shipping Act—continued**

(3) A home-trade voyage, class III, subject to the provisions of section 7, means a home-trade voyage made within certain limits specified in the inspection certificate, in the course of which a steamship is at no time more than fifteen miles off shore, and the maximum distance between ports of call does not exceed one hundred miles; provided that where in the course of any such voyage a steamship passes through any strait or passage not exceeding five miles in width the entrance to or exit from such strait or passage shall be deemed to be a port of call.

(4) A home-trade voyage, class IV, subject to the provisions of section 7, means a home-trade voyage in the course of which a steamship does not go beyond certain sheltered waters specified in the inspection certificate, or on short voyages so specified, beyond the limits of such sheltered waters, in fine weather, between the first day of May and the thirtieth day of September in any year.

5. (1) An inland voyage, class I, means an inland voyage in the course of which a steamship may go anywhere within the limits of inland voyages.

(2) An inland voyage, class II, subject to the provisions of section 7, means an inland voyage made within certain limits specified in the inspection certificate, in the course of which a steamship is at no time more than fifteen miles off shore, and the maximum distance between ports of call does not exceed one hundred miles; provided that where in the course of any such voyage a steamship passes through any strait or passage not exceeding five miles in width, the entrance to or exit from such strait or passage shall be deemed to be a port of call.

6. (1) A minor waters voyage, class I, means a minor waters voyage in the course of which a steamship may go anywhere within the limits of a minor waters voyage as defined in the Canada Shipping Act.

(2) A minor waters voyage, class II, subject to the provisions of section 7, means a minor waters voyage made in certain lakes or rivers specified in the inspection certificate, the greatest width of which does not exceed two miles, or a voyage in the course of which a steamship does not go beyond the limits of certain sheltered waters specified in the inspection certificate, or on short voyages so specified, beyond the limits of such lakes, rivers or waters, in fine weather, between the first day of May and the thirtieth day of September in any year; provided that where a voyage is made in any lake or river which has a width in excess of two miles for a short distance only and it appears to the Board to be unreasonable to have such a voyage classed as a minor waters voyage, class I, the Board may, in its discretion, class it as a minor waters voyage, class II.

7. The Board shall decide, from time to time, having regard to the degree of risk that may be encountered, whether any voyage herein defined as a home-trade voyage, class III, home-trade voyage, class IV, inland voyage, class II, or minor waters voyage, class II, is a voyage of the next higher class, as herein defined.

8. (1) Steamships certified for home-trade voyages, class I, II, III or IV, may be known as home-trade steamships, class I; home-trade steamships, class II; home-trade steamships, class III; or home-trade steamships, class IV, as the case may be.



**Canada Shipping Act—continued**

(2) Steamships certified for inland voyages, class I or II, may be known as inland steamships, class I, or inland steamships, class II, as the case may be.

(3) Steamships certified for minor waters voyages, class I or II, may be known as minor waters steamships, class I, or minor waters steamships, class II, as the case may be.

**18. Safety Certificate Regulations**

P.C. 1954-1746

**AT THE GOVERNMENT HOUSE AT OTTAWA**

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport, and pursuant to section 395 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting the form of Safety Convention Certificates and Inspection Certificates for Safety Convention ships, established by Order in Council P.C. 1953-1487 of 24th September, 1953, are hereby revoked; and

2. The annexed "Regulations respecting the form of Safety Convention Certificates and Inspection Certificates for Safety Convention ships" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE FORM OF SAFETY CONVENTION CERTIFICATES  
AND INSPECTION CERTIFICATES FOR SAFETY CONVENTION SHIPS**

1. These regulations may be cited as the *Safety Certificate Regulations*.

2. A safety certificate for a passenger ship making an international voyage, or a short international voyage, as the case may be, shall be combined in one document with an appropriate inspection certificate.

3. Subject to the provisions of section 12, a combined safety certificate and an inspection certificate for a foreign-going passenger steamship shall be in the form set out in the First Schedule.

4. Subject to the provisions of section 12, a combined safety certificate and an inspection certificate for a home-trade passenger steamship shall be in the form set out in the Second Schedule.

5. Subject to the provisions of section 12, an inspection certificate for a foreign-going cargo Convention ship shall be in the form set out in the Third Schedule.

6. Subject to the provisions of section 12, an inspection certificate for a home-trade cargo Convention ship shall be in the form set out in the Fourth Schedule.

**Canada Shipping Act—continued**

7. A safety equipment certificate for either a foreign-going cargo Convention ship, or a home-trade cargo Convention ship shall be in the form set out in the Fifth Schedule.

8. Where an inspection certificate for a home-trade passenger steamship or for a home-trade cargo steamship is subject to any limitation as therein provided, it shall be valid only when there is compliance with such limitation.

9. A qualified safety convention certificate shall be in the form set out in the First, Second, Third, Fourth or Fifth Schedule, as the case may be, with such modifications as are necessary to show in what respects the steamship complies with the requirements of the Safety Convention; it may be noted on the certificate that it is qualified in accordance with the exemptions allowed in the Exemption Certificate.

10. An exemption certificate for a passenger steamship shall be in the form set out in the Sixth Schedule.

11. An exemption certificate for a cargo steamship shall be in the form set out in the Seventh Schedule.

12. Where in any particular case a certificate is issued under any special conditions, such conditions shall be endorsed on the certificate.

13. The particulars inserted in the safety convention certificates or in any certified copy thereof shall be in Roman characters and Arabic figures.

NOTE: Copies of Forms of certificates contained in Schedules 1 to 7 may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**19. Lifeboatmen's Efficiency Certificate Regulations**

P.C. 1954-1747

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to sections 389 and 410 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the examination of seamen and others for certificates of efficiency as lifeboatmen, established by Order in Council P.C. 1954-318 of 4th March, 1954, are hereby revoked; and

2. The annexed "Regulations for the examination of seamen and others for certificates of efficiency as lifeboatmen" are hereby made and established in substitution for the regulations hereby revoked.

**Canada Shipping Act—continued**REGULATIONS FOR THE EXAMINATION OF SEAMEN AND OTHERS  
FOR CERTIFICATES OF EFFICIENCY AS LIFEBOATMEN

1. These regulations may be cited as the *Lifeboatmen's Efficiency Certificate Regulations*.
2. In these regulations,
  - (a) "certificate" means a Certificate of Efficiency as a lifeboatman;
  - (b) "examiner" means an examiner appointed pursuant to subsection (3) of section 129 of the Canada Shipping Act who is authorized by the Minister to conduct examinations under these regulations, and such other person as the Minister may direct; and
  - (c) "Minister" means the Minister of Transport.
3. Examinations to determine the eligibility of candidates for certificates shall be conducted in accordance with such instructions as may be issued by the Minister from time to time.
4. Every candidate desiring to qualify for a certificate shall report for examination at such time and place as may be directed by the Minister.
5. Every candidate shall prove to the satisfaction of an examiner that he has had sufficient service at sea and has been trained in and is well acquainted with all the operations connected with the launching and handling of lifeboats, and that he is capable of understanding and carrying out the orders commonly used in lifeboat operations.
6. The Minister may cause a certificate to be entered in the Continuous Discharge Book of each candidate who has successfully passed an examination and has been found to possess all the qualifications required by these regulations and the Schedule hereto.
7. Where there is reason to believe that the holder of a certificate no longer possesses the required qualifications, he may be required to report for re-examination at such time and place as the Minister may direct.
8. Where, on re-examination, it is found that the holder of a certificate does not possess the required qualifications or where, after having been duly notified to do so he fails to report for re-examination, the Minister may cancel the certificate.
9. Where a certificate has been cancelled pursuant to section 8 the holder thereof shall forthwith deliver his Continuous Discharge Book to the Minister for amendment.

## SCHEDULE

*Preliminary*

1. Examinations will be held at Montreal, Quebec, Halifax, Toronto and Vancouver, on application to the Examiner of Masters and Mates at any of these ports, and at other ports on application to the Department of Transport, Ottawa.
2. Where a shipping company or ship owner desires members of a crew to be examined, the company or owner shall arrange with the Examiner for such examinations.

**Canada Shipping Act—continued**

3. Applications shall be forwarded to the Examiner on Form Exn.L.B. 1, with the applicant's Continuous Discharge Book; each application shall be accompanied by an examination fee of fifty cents.

*Qualifications*

4. Candidates shall be not less than eighteen years of age and be free from any physical or other disability which would render them unfit for performing the duties of a lifeboatman.

5. They shall have had sea service amounting to not less than six months in the case of pursers, wireless operators, engineers, surgeons and other officer ratings, and not less than one year in the case of deck ratings, firemen, stewards and all other candidates.

*Examinations*

6. Examinations shall be held on board ship, as arranged between the shipping company or the ship owner and the Examiner.

7. The lifeboat or lifeboats selected for examination purposes shall be Class 1A, equipped according to the regulations in force respecting life-saving appliances for steamships.

8. Before proceeding with the examination, the Examiner shall satisfy himself that each candidate is one in respect of whom a form of application has been received, and further identify the candidate by the descriptive particulars in his Continuous Discharge Book or other document.

9. Candidates shall muster in life-jackets, which shall be worn throughout the examination unless the Examiner, in his discretion, orders that they be dispensed with during a portion of the examination.

10. The handling and lowering of the lifeboat shall be under the supervision of a ship's officer or other responsible person appointed by the owner.

11. The Department of Transport is not responsible for any accident to personnel or equipment that may occur in the course of the examination.

*Tests*

12. Each candidate shall be required,

- (a) to take part in the preparation, swinging out and lowering of a lifeboat and in getting the lifeboat away from the ship;
- (b) to show that he is competent to take charge of the above operations;
- (c) to pull and steer, and act as coxswain when the boat is afloat;
- (d) to know the details and use of the equipment including compass, sails and sea anchor; and
- (e) to be capable of understanding and carrying out the orders commonly used in lifeboat operations.

13. In the examination the operation of swinging the lifeboat out from a chocked and gripped position will be repeated several times, the respective positions of the candidates being varied each time: each candidate in the examination shall act as one of the lowerers; which may be arranged by lowering the lifeboat by stages, instead of the complete lowering of the lifeboat being effected with two candidates only acting as lowerers.



**Canada Shipping Act—continued***Certificates*

14. Following the examination the Examiner shall complete and sign the appropriate sections on the Form of Application for each man tested.

15. When the candidate passes the test satisfactorily, the Examiner shall inscribe the candidate's Continuous Discharge Book accordingly.

**20. Form of inspection certificates for non-Safety Convention Ships**

P.C. 1954-1748

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 395 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting the form of inspection certificates for ships which are not Safety Convention ships, established by Order in Council P.C. 833 of 25th April, 1938, are hereby revoked; and

2. The annexed "Regulations respecting the form of inspection certificates for ships which are not Safety Convention ships" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE FORM OF INSPECTION CERTIFICATES FOR  
SHIPS WHICH ARE NOT SAFETY CONVENTION SHIPS

1. The form of and the particulars to be given in inspection certificates issued under the provisions of section 394 of the Canada Shipping Act shall be in the appropriate form set out in the Schedule.

2. Where in any case a ship is allowed by the Board of Steamship Inspection to go beyond the limits set out in the certificate, the certificate may be endorsed by an inspector to show the voyages which the ship is allowed to make.

NOTE: Copies of the form of certificates contained in the Schedule may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

Canada Shipping Act—*continued*

**21. Ships' Names**

P.C. 1954-1749

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to section 63 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations relating to Ships' Names, established by Order in Council P.C. 2161 of 16th October, 1908, are hereby revoked; and
2. The annexed "Regulations respecting Ships' Names" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING SHIPS' NAMES

1. Any person who proposes to make application for the registry of a British ship in Canada shall give notice in writing of the proposed name of the ship to the Registrar of Shipping at the intended port of registry at least fourteen days before the date on which it is contemplated to effect the registry.

2. The Registrar at the intended port of registry shall transmit the notice to the Minister of Transport.

3. When the proposed name does not appear as the name of a registered British ship, or is not a name so similar to that of a registered British ship as to be calculated to deceive, the Minister of Transport shall cause a certificate to be issued to that effect to the Registrar at the port at which the ship is to be registered, and the ship shall be registered under that name when all requirements for registry have been fulfilled.

4. Where the proposed name is found to be the name of a registered British ship or so similar thereto as to be calculated to deceive, the Minister of Transport may refuse the registry of the ship by that name and shall transmit his decision to the Registrar at the intended port of registry and to the applicant.

**Canada Shipping Act—continued****22. Registration of Government Ships Regulations**

P.C. 1954-1750

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Prime Minister for the Minister of Transport and pursuant to section 16 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting the registration in Canada of Government ships as British ships, established by Order in Council P.C. 5894 of 22nd October, 1940, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the registration of Government ships" are hereby made and established in substitution for the regulations hereby revoked.

## REGULATIONS RESPECTING THE REGISTRATION OF GOVERNMENT SHIPS

1. These regulations may be cited as the *Registration of Government Ships Regulations*.

2. In these regulations,

(a) "Act" means the Canada Shipping Act; and

(b) "Government ship" means a ship or vessel that is owned by and is in the service of Her Majesty in right of Canada or of any province thereof or is, while so employed, wholly employed in the service of Her Majesty in such right.

3. An application for the registry of a Government ship shall be made in writing under the signature of the head or deputy head of the department of Government controlling the ships and such application shall contain the following particulars,

(a) the name and description of the ship,

(b) the time when and place where the ship was built or, if the ship was not built in Canada and the time and place of building are unknown, a statement to that effect and of its foreign name,

(c) a statement of the nature of the title to the ship, whether by original construction by or for the Government or by purchase, capture, condemnation or otherwise, and a list of the documents of title, if any, in case the ship was not originally constructed by or for the Government,

(d) the name of the master, and

(e) a statement that the ship is controlled by the department of which the applicant is the head or deputy head.

**Canada Shipping Act—continued**

4. The Registrar, on receiving an application under section 3 shall enter in the Register Book,

- (a) the name of the ship and the fact that it is owned by Her Majesty in right of Canada or of a province, as the case may be, represented by the head of the department having the control of the ship,
- (b) the name of the port to which the ship belongs,
- (c) the particulars stated in the application for registration, and
- (d) the details comprised in the surveyor's certificate.

5. On the registry of a Government ship, the Registrar shall retain in his possession the surveyor's certificate and the application for registry and any documents of title mentioned in the application.

6. Upon the transfer of a registered Government ship by bill of sale, the bill of sale shall be in the Form A in the first part of the sixth Schedule to the Act, omitting the covenant contained in that form, and any such bill of sale shall be signed by the head or deputy head of the department having the control of the ship.

7. The application for a certificate of sale, referred to in sections 55 to 58 and sections 60 to 62 of the Act, may be made in respect of a Government ship by the head or deputy head of the department having the control of the ship.

8. The word "seaman" in section 168 of the Act, shall not be deemed to mean or include any seaman belonging to the Naval Services of Her Majesty in right of any part of Her Majesty's dominions and serving on board a Government ship.

9. Where any provision of the Act, which by virtue of these regulations is applicable to Government ships, imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship, such duty, liability, right or power shall, subject always to the other provisions of these regulations, be carried out, borne or exercised by the head or deputy head of the department in respect of which the ship is registered.

10. The following provisions of the Act do not apply to Government ships registered in pursuance of these regulations,

Sections 3, 4, 6, 7 (4), 12 (3) and (5), 13 to 15, 17, 18, 21, 25, 41 to 44, 47 to 54, 55 to 62 so far as they relate to mortgages, 65 to 67, 69, 71 to 76 (2) and (3), 79, 80, 86 to 90, 92, 93, 100, 101, 105, 135 (2), 136 (3), 157 to 184, 188, 189, 190, 192, 193, 194, 195 (1) and (2), 196, 197, 199, 200, 201, 202, 203, 207, 208, 210, 214, 216, 217, 218, 221 (2), 224, 229, 234, 250 to 268, 277 (1), 299, 302 (2) so much thereof as is subsequent to the word "master" where it first occurs, 302 (3), 461, 462, 463 to 470, 556 (d) and 566 (3) so far as they relate to any papers or documents belonging to or in the possession of the Crown, 590, 647 (3), 651 (b), 652, 653, 674 to 682, 694 (2) (3) and (4), 697, 699;

provided always that no provision of the Act which, according to a reasonable construction would not apply in the case of Government ships, shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.



**Canada Shipping Act—continued**

11. Notwithstanding the provisions of section 10, the following provisions of the Act apply to Government ships that have been entrusted for management or operation to the Canadian Government Merchant Marine, Limited, or other similar agency,

Sections 157 to 184, 188, 189, 190, 192, 193, 194, 195 (1) and (2), 196, 197, 199, 200, 201, 202, 203 (1) and (2), 207, 208, 210, 214, 216, 217, 218, 221 (2), 224, 229, 234, 250 to 268, 277 (l), 299, 302 (2) so much thereof as is subsequent to the word "master" where it first occurs, 302 (3), 461, 462, 463 to 470, 590, 651, (b), 652, 653, 674 to 682, 694 (2) (3) and (4), 697, 699.

**23. Dangerous Goods Shipping Regulations**

P.C. 1954-1811

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 461 of the Canada Shipping Act, is pleased to revoke and doth hereby revoke Order in Council P.C. 3632 of 22nd May, 1945, as amended, relating to the carriage of dangerous goods in ships, and is pleased to make the annexed "Regulations respecting the carriage of dangerous goods in ships", and they are hereby made and established in substitution for the Order in Council hereby revoked.

His Excellency in Council, on the same recommendation, is pleased to order that Schedules A to O to the said regulations be not published in the *Canada Gazette*, the said Schedules being highly technical in nature and restricted in scope, and arrangements having been made to bring them by other means to the attention of all persons concerned.

REGULATIONS RESPECTING THE CARRIAGE OF DANGEROUS  
GOODS IN SHIPS

**Part I**

1. These regulations may be cited as the *Dangerous Goods Shipping Regulations*.

2. The goods referred to in these regulations are dangerous goods and should be packed, labelled and stowed in accordance with these regulations, provided that goods which may not be listed in these regulations but which by reason of their properties involve risk to a ship or to persons on board, should be considered as dangerous, and application for approval of a proposed method of packing and stowage should be made to the Minister of Transport before such goods are placed on board ship.

**Canada Shipping Act—continued**

3. In these regulations,

- (a) "cargo ship" means a ship carrying cargo but not passengers, and in the case of a Safety Convention ship means a steamship carrying not more than twelve passengers;
- (b) "combustible cargo" does not include dunnage in actual use in the stowage of the cargo; due regard should be paid to the combustible nature of certain protective packing such as straw, wood shavings, bituminized paper and felts used for the packing of cargo;
- (c) "cwt" means 112 pounds and "ton" means 2240 pounds;
- (d) "drums", "barrels", "casks" or "kegs" are deemed to be synonymous;
- (e) "effective" in relation to absorbent material means material of a nature capable of minimizing the hazard of the liquid conveyed, and so disposed as to prevent movement and to ensure that the inner container or containers remain completely surrounded under all ordinary conditions of transport and, where reasonably possible, of sufficient quantity to be capable of absorbing the liquid completely in the event of breakage of the container;
- (f) "effectively closed" means that a container may be regarded as effectively closed if it is so constructed and secured that it is for practical purposes watertight and will maintain its watertightness under all usual conditions;
- (g) "fibreboard" includes 'plywood';
- (h) "hermetically sealed" means in respect of a container, that it is so constructed and secured that it is for practical purposes airtight and will maintain its airtightness under all usual conditions;
- (i) "minimum air space (ullage)"—the percentage indicated in the Schedules or the percentage calculated by use of the formula specified, means the percentage of free space to be left in a container in relation to the total capacity of the container;
- (j) "on deck" means other than under deck;
- (k) "on deck only" means in an uncovered space, though special deck-houses, having doors which can be continuously open (except in heavy weather), may be used; "on deck only" does not include stowage in a shelter deck space.

NOTE.—Deckhouses and msthouses can be considered suitable for either on deck or under deck stowage.

- (l) "passenger ship" means a ship carrying passengers; and "passenger steamship" means a steamship carrying passengers and in the case of a Safety Convention ship means a steamship carrying more than twelve passengers;
- (m) "shelter deck space"—a shelter deck space is the space contained between the shelter and freeboard decks;
- (n) "steel" includes "iron";
- (o) "stowage in relation to living quarters";

Definition (A)—Stowage must not be in a compartment immediately underneath living quarters unless the deck extends unbroken for a distance of eight feet from the boundary bulkhead of such quarters; and

**Canada Shipping Act—continued**

Definition (B)—Stowage must not be in a compartment any part of which is immediately underneath living quarters;

- (p) “suitable” in relation to packing or to containers means
  - (i) well constructed and in good condition;
  - (ii) of such a character and construction that any interior surface with which the contents may come into contact is not dangerously affected by the substance being conveyed;
  - (iii) capable of withstanding the ordinary risks of handling and transport by sea; and
  - (iv) capable of withstanding any pressure likely to be generated therein;
- (q) “tropical voyage”—tropical conditions are assumed to exist between the parallels of latitude 30° north and south; cargo carried on any ship bound to or from a port in or likely to pass through this area must be packed in accordance with the regulations for “tropical” conditions; and
- (r) “under deck” means in a hold, or in a covered space which is enclosed between steel bulkheads and is capable of being effectively closed against the weather.

4. (1) These regulations apply to Canadian ships and to all ships not registered in Canada while they are at any place in Canada, but do not apply to ship’s distress signals or to the carriage of naval, army or air force stores for the public service under conditions authorized by the Minister of Transport.

(2) Notwithstanding anything contained in these regulations the Board may, on such conditions as may be deemed advisable, exempt any ship from full compliance with any of the requirements of these regulations.

*Labelling of Packages*

5. (1) Before any packages of dangerous goods for which a label is stipulated in the Schedules are taken on board ship they must be marked conspicuously on the outside according to the nature of the contents as shown in the following classifications:

- (a) Substances giving off inflammable vapours
  - (i) Flash point below 73° F. .... Label A1
  - (ii) Flash point 73°-150° F. .... Label A2
- (b) Gases possessing a fire risk ..... Label A3
- (c) Fireworks (shop goods) ..... Label B
- (d) Poisonous substances ..... Label C
- (e) Corrosive substances ..... Label D
- (f) Combustible substances ..... Label E
- (g) Oxidizing substances ..... Label F
- (h) Substances which react with water ..... Label G
- (i) Substances which react with air ..... Label H
- (j) Medicinal or laboratory chemicals in limited quantities ..... Label J

**Canada Shipping Act—continued**

(2) The labels must be in conformity with those given in Schedule E and they must be secured to the packages by such means that under the normal conditions of transport they will not become detached during transit; alternatively, a replica of the appropriate label may be stencilled on the package.

6. The label, if required, is indicated in the appropriate column of the Schedules against each substance.

7. Packages of explosives must be marked as laid down in sections 10 to 124.

*Deck Stowage*

8. The total amount of dangerous goods carried on deck may not occupy more than 50 per cent of the total open deck area. Within this limitation there is no restriction on the quantity of any individual substance except where provided for in Part II.

*Abbreviations*

9. In these regulations the following words are abbreviated as indicated:

Gram .....	g.	(singular and plural)		
Kilogram .....	kg.	"	"	"
Ounce .....	oz.	"	"	"
Pound .....	lb.	"	"	"
Hundredweight .....	cwt.	"	"	"
Inch .....	in.	"	"	"
Foot .....	ft.	"	"	"
Gallon .....	gal.	"	"	"
Pint .....	pt.	"	"	"
Litre .....	L.	"	"	"
Flash point .....	fl. pt.	"	"	"
Specific gravity .....	sp. Gr.	"	"	"
Centigrade .....	C.			
Fahrenheit .....	F.			

(unofficial)

**Part II**

*Conveyance of Government and Commercial Explosives in Ships*

10. Sections 11 to 145 apply to the carriage of explosives as cargo in merchant ships on commercial voyages.

11. In sections 10 to 145,

- (a) "compartment" means (i) a lower hold, or (ii) a cargo space bounded by permanent bulkheads at each end, and having decks with closed hatchways above and below; an insulated chamber, even though situated in a compartment as defined above, may be considered to be a separate compartment, provided that each chamber is surrounded by a steel bulkhead; a deckhouse or a masthouse can be considered to be a separate compartment;



**Canada Shipping Act—continued**

- (b) “explosive” means a substance used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect, or any other substance which has been required by the Explosives Branch to be treated as an explosive; the term includes all items listed in Schedules B and D;
- (c) “explosive ship” means one carrying any of the explosives mentioned in Schedules B or D, other than (a) those explosives defined in section 14, or (b) quantities of lachrymatory stores carried on deck and not exceeding 1120 lbs. gross;
- (d) “hold” means a space contained between two permanent bulkheads;
- (e) “shelter deck space” means the space contained between the shelter and freeboard decks; and
- (f) “tween deck space” means a closed space between two consecutive continuous decks and bounded by permanent bulkheads.

12. The following Table shows the types of stowage prescribed for explosives and also the code letters used in Schedules B and D to indicate the type of stowage required for each item.

<i>Type of Stowage</i>	<i>Code Letters</i>
Magazine Stowage “A” .....	M.S.A.
Magazine Stowage “B” .....	M.S.B.
Magazine Stowage “Lead free” .....	M.S.L.
Magazine Stowage “D” .....	M.S.D.
Ordinary Ammunition Stowage .....	O.A.S.
Pyrotechnic Stowage .....	A.S.P.
Special Ammunition Stowage .....	S.A.S.
Gasoline Stowage Special .....	P.X.S.
Deck Stowage Only .....	D.S.O.
Unclassified Stowage .....	U.C.S.
Optional Deck Stowage .....	(D)
Above Coal Stowage, if necessary .....	(C)
Respirators to be provided (see section 49) .....	(R)

*Tankers*

13. Save in exceptional circumstances, and when no oil having a flash point lower than 150° F. is being carried, and under the special authority of the Minister of Transport, no explosives other than those in Group 13 may be carried in oil tankers. Explosives in Group 13 may be carried, provided the stowage space has been thoroughly cleansed and certified gas free, and is effectively sealed off or ventilated as specified in paragraph (h) of section 36.

*Passenger Ships*

14. Explosives other than the following may not be carried in a passenger ship:

- (a) Explosives of Class VI, Division 1, and those defined as safety ammunition in Group 6;

**Canada Shipping Act—continued**

- (b) Small quantities of other explosives, excluding items in Group 10, not exceeding 20 lbs. gross in the aggregate, provided suitable stowage accommodation is available (see paragraph (e) of section 29).
- (c) Small fireworks, namely, those which are not likely to explode violently and are "Shop Goods" as defined in Explosives Regulations made under the Explosives Act;
- (d) Ship and aircraft distress signals and apparatus not exceeding 1 ton gross;

provided that the Minister of Transport may permit the carriage of other explosives in a passenger ship in which special approved safety measures are taken, subject to compliance in all respects with the stowage regulations.

*Lightning Protection*

15. In ships carrying explosives, efficient lightning conductors shall be fitted to wood masts and top masts, and to steel masts where electrical conductivity of the rigging is defective. In steel ships, steel masts must be bonded to the hull, or lightning conductors fitted.

*Authorized Explosives*

16. Only explosives which have been declared authorized by the Minister of Mines and Technical Surveys under the authority of the Explosives Act, or have been approved by a Government department may be carried. Classified lists of approved Government and commercial explosives are given in Schedules B and D. Throughout these Regulations the word "Group" applies to Government explosives and the words "Class" and "Division" to commercial explosives.

*Two or More Services*

17. Government explosives belonging to two or more Services and comparable types of commercial explosives may be stowed together.

*Protection Against Weather*

18. Special precautions shall be taken when loading and unloading to prevent packages containing explosives from being exposed to the damaging effects of sunlight, rain, snow, moisture and dampness.

*Security*

19. Special measures must be taken by the master of the ship at loading and unloading ports and also at any intermediate ports where the holds containing explosives have to be opened, to ensure the security of the explosives carried in the ship. Small arms ammunition, grenades and similar small articles need particular attention to prevent pilfering, whilst bulk explosives require to be guarded against sabotage. The responsibility for the security and safe handling of the consignment rests with the master of the ship, and a responsible ship's officer must be present when the hatches are off. All explosives must be tallied into and out of the ship.

20. (1) In all cases where Government explosives are to be loaded or unloaded on ships at any place in Canada, the owner shall give adequate notice to the Minister of Transport, naming the ship, the place, the explosive, as listed in these regulations, and the quantity to be handled.

**Canada Shipping Act—continued**

(2) If the Minister of Transport decides that the circumstances require it, he may request the Department of National Defence to arrange to have present during the loading or unloading of the explosives, an officer of one of the Armed Services of that Department, hereafter referred to as a "Service Representative Officer".

(3) The duties of the Service Representative Officer are as follows:

- (a) to observe the loading or unloading of Government explosives and to advise the ship's officer in charge of the operation, of any instance of improper packing or stowing, or of careless or unsafe handling which may come to his attention;
- (b) to approve or otherwise of the position selected for the stowage; and to notify the ship's officer in charge accordingly;
- (c) to approve or otherwise of the construction of any magazine in which they are to be carried; and to notify the ship's officer in charge accordingly;
- (d) to observe the construction, sealing and ventilation of special magazines or containers for Government S.A.S. explosives, and to notify the ship's officer in charge of the operation of any instance of improper construction or arrangement which may come to his attention;
- (e) to see that the magazines and stowage places are thoroughly clean, as specified in paragraph (b) of section 30, before the loading of the explosives is commenced;
- (f) to see that magazines are locked when loading of Government explosives is suspended, or completed, and to deliver the keys to the master under sealed cover;
- (g) to issue an Explosives Loading Certificate to the master of the ship if he is satisfied that the explosives were packed, labelled and stowed in accordance with these regulations and in a safe and satisfactory manner, this certificate to be in the following form:

EXPLOSIVES LOADING CERTIFICATE

Name of Ship	Distinctive numbers or letters	Port of registry	Gross tonnage

I, the undersigned, certify

(1) that I was present at .....  
on ....., 19....  
when explosives were loaded into the above mentioned ship;

(2) that to the best of my knowledge and ability these explosives (itemized list attached) were loaded in accordance with the Dangerous Goods Shipping Regulations.

Dated at ..... this ..... day of ....., 19....

.....  
Service Representative Officer



**Canada Shipping Act—continued**

(Note. This certificate is authorized by the above mentioned regulations made under the Canada Shipping Act. The Service Representative Officer acts in an advisory capacity only. The said Officer, the Department of National Defence, and the Crown in the right of Canada, are not responsible for the efficacy or otherwise of the loading, or for any breach of the said regulations or any damage caused thereby.)

*Master's Responsibility*

21. The responsibility of the master of a ship for the safe handling of explosives, whether Government or commercial explosives, and their carriage in the ship in any place in Canada in compliance with these regulations shall in no way be affected by the presence of the Service Representative Officer on his ship.

*Locking and Sealing Magazines*

22. Magazines shall always be locked when work is suspended for any reason and when the loading has been completed. The keys shall be delivered to the master under sealed cover. The construction, sealing and ventilation of special magazines or containers for Government S.A.S. explosives is to be efficiently carried out. The responsibility for these matters rests with the master subject to the provisions of subsection 3 of section 20.

*Notice of Loading and Unloading of Government Explosives*

23. (1) The owner is responsible for seeing that adequate notice of loading or unloading is given to the Minister of Transport to ensure that the Service Representative Officer is present before the operation is begun.

(2) Magazines containing Government explosives shall not be opened before the arrival of this officer, and other Government explosives stowage should not be disturbed before he has inspected it. Should exceptional circumstances make it necessary for magazines to be opened, or the stowage of other explosives broken, before his arrival, the master must inform him and, if necessary, forward a report of the circumstances to the owner for transmission to the Minister of Transport.

*Marking and Sealing of Packages*

24. (1) A package containing Government explosives is required to bear a Government explosives label, as shown in Schedule "C" but the label may be replaced by a brand or stencil carrying the same information. The label, brand, or stencil, is usually placed on the side of the package in a conspicuous position. In addition each package is required to have one or two Station Monograms or Inspection Labels pasted over the junction of the lid and body to form a seal, so fused that it is impossible to remove the lid without breaking the seal. In some cases packages are also sealed with lead seals. Packages having broken seals should be examined and should not be loaded in a ship unless the Service Representative Officer is satisfied that they are safe. If found satisfactory, they should be re-sealed before loading with fresh labels provided by the Service Representative Officer. (Loose bombs, shell, mines, etc. are not required to be labelled).

(2) Commercial explosives shall be packed and marked to comply with the conditions laid down in Schedule D. The classification markings on packages of commercial explosives will be those required by the Explos-



**Canada Shipping Act—continued**

ives Act, but to facilitate identification of the proper method of stowage, etc., Schedule D includes a list of commercial explosives with the Government classifications and equivalent service storage groups together with the stowage code letters.

*Doubtful Explosives*

25. Government explosives whose condition has been certified as doubtful by a Service Representative Officer will only be carried in ships under the authority of the Minister of Transport, and must not be stowed in a hold containing other explosive or inflammable materials.

*Defective Packages*

26. No leaky or badly coopered barrels or defective packages containing explosives should be received on board, and should such be offered for shipment the master should refuse to receive them and should immediately report the circumstances to the shippers, or, if Government explosives, to the Service Representative Officer.

*Opening Packages*

27. Packages containing explosives in transit must not be opened on board ship.

*Safety Precautions*

28. (a) Artificial Lighting

When explosives are being loaded or unloaded the holds shall be lighted, when necessary, by enclosed floodlights of an approved type. Are lights must not be used. Loose or unsecured lights and leads shall not be employed in the hatchway or hold. All such lighting must be examined for serviceability by a responsible ship's officer before loading or unloading commences.

(b) Wireless Working

It is forbidden to work the ship's wireless transmitter or radar installation whilst explosives are being loaded or unloaded, or when the hatches are off the holds containing explosives.

(c) Bunkering

Explosives scheduled for M.S.A., M.S.B., M.S.D. or M.S.L. Stowage (section 33) must not be loaded or unloaded whilst bunkering with either coal or oil is in progress. Bunkering should not be carried out when working other types of explosives or whenever the hatches of the explosive stowage compartments are off, unless adequate precautions are taken to prevent coal dust or oil vapour reaching the explosives stowage space.

(d) Repairs

- (i) No repair work of any kind shall be carried out in a hold of a vessel if that hold contains explosives.
- (ii) Repair work which involves welding, burning, riveting or any other operation creating a risk of fire shall not be carried out on board any vessel when explosives are on the vessel, provided that any such repair work may be carried out if the Harbour Authority considers that circumstances of urgency make it necessary for such work to be carried out and specially authorizes the carrying out of that work. In that case the owner of a vessel on or to which any such work is to be carried

**Canada Shipping Act—continued**

out, or the master of such vessel, or any other specially authorized representative of the owner of such a vessel shall be responsible for ensuring that any requirements of the by-laws of the harbour relating to the carrying out of such work are observed.

(e) Smoking

No person shall smoke whilst engaged in handling or moving any explosive or whilst in the vicinity of any explosive.

*Position of Stowage*

29. The position on board ship for the stowage of explosives shall be selected in accordance with the following principles:

- (a) The coolest position possible should be used.
- (b) Explosives should normally be stowed in a lower hold or 'tween deck space, except as provided in paragraphs (c), (d) and (f). Certain explosives are, however, permitted to be carried on deck (paragraph (j) of section 36 and section 37).
- (c) A poop may be used, whether or not included in the gross tonnage; if not so included, the tonnage openings shall be efficiently closed. Explosives must not be stowed in a poop in which the crew are accommodated or ship's stores are carried.
- (d) A bridge space or shelter deck space other than that abreast the engine and boiler casings may be used provided that:
  - (i) the space used for explosives is efficiently bulkheaded off at least 1 foot from the engine and boiler casings and from the coal bunker hatches or hatches of a hold containing coal. In either of these latter cases the bulkhead must be made gas tight;
  - (ii) only suitable cargo is stowed in adjacent spaces;
  - (iii) the space contains no living accommodation or ship's stores;
  - (iv) a shelter deck space is permitted for the stowage of S.A.S. explosives under the conditions of section 36.
- (e) Explosives other than those of Class VI, Division 1, small fire-works ("shop goods") or those defined as Safety Ammunition in Group 6 must not be stowed immediately underneath living accommodation in the vertical plane and must be separated in the horizontal plane from such accommodation by a permanent water-tight bulkhead.
- (f) Insulated spaces in ships may be used for the stowage of explosives subject to the requirements of section 36 concerning S.A.S. explosives. When explosives requiring M.S.A., M.S.B. or M.S.L. Stowage (section 33) are stowed in such spaces, all pipes and steel work shall be close lined or sparred, as specified in sections 60 to 112.
- (g) Fixed magazines may be erected on suitable cargo provided this is properly levelled off.

*Conditions of Stowage*

30. The general conditions of stowage, applicable to all types of explosives are as follows:

- (a) The stowage space for all explosives, other than S.A.S. and P.X.S. explosives, must be dry and well ventilated, and all ventilation

**Canada Shipping Act—continued**

shafts leading into the stowage must be protected by fine mesh double gauze guards. For special conditions of the stowage necessary for S.A.S. and P.X.S. explosives, see sections 36 and 39.

- (b) Magazines and stowage spaces must be clean and free from grit, dust, oily waste and rubbish.
- (c) Non-explosive cargo may be stowed in the same compartment as explosives but dangerous goods may only be stowed in a ship carrying explosives in accordance with the requirements of section 44.
- (d) Ships carrying explosives should normally use sand or other inert material for ballasting. If sand or other inert material cannot be obtained, colliery refuse or slag may be used but explosives should preferably not be stowed in the hold where such ballast is used.
- (e) The magazine or stowage space must be completely closed to traffic while at sea.
- (f) All explosives must be carefully handled and stowed. They must be well secured to prevent movement.
- (g) Unauthorized persons must not be permitted access to the spaces in which the explosives are stowed.

*Passengers' Baggage*

31. No explosives may be carried in a compartment containing passengers' baggage.

*Approval of Stowage Space for Government Explosives*

32. The position selected by the owners in conjunction with the master for the stowage of Government explosives and the construction of any magazines required must have the approval of the Service Representative Officer concerned with the consignment. The Service Representative Officer is responsible for seeing that magazines and stowage places are thoroughly clean as specified in subparagraph (b) of section 30 before the loading of explosives commences.

*Magazine Stowage*

33. (1) M.S.A. Explosives requiring this type of stowage are mainly in Group 1 or 2 and Classes I, II, III, IV, or VI, Division 2. They require a close lined magazine as described in sections 63 to 76, 80 and 81.

(2) M.S.B. Explosives requiring this type of stowage are mainly in Group 3 or 4, Class III, Divisions 1 or 2. They require a sparred magazine as described in sections 77 to 79. When Group 3 explosives are stowed close to Shipping Category C explosives, they must be assumed to share the mass explosion risk appropriate to Category C. Where the additional risk is material, they should be separated, if practicable, from Shipping Category C explosives by the boiler and engine room space or by an intervening hold.

(3) M.S.L. Explosives requiring this type of stowage are in Group 1, Class III, Division 2, and if contaminated by lead in any form may become extremely sensitive and dangerous. They must, therefore, be kept under "lead free" conditions. For this reason, in addition to requiring the close lined magazine specified for M.S.A. explosives, the roof also should be close lined. When the latter is not practicable, the packages will be covered by a "lead free" fabric sheet, e.g., a closely woven linen or cotton sheet.



**Canada Shipping Act—continued**

(4) M.S.D. Explosives requiring this type of stowage are usually in Group 10 and Classes V or VI, Division 3, and are somewhat sensitive to shock. They require a magazine as described in sections 83 and 84. If a suitable locker is available it may be used as a detonator magazine. M.S.D. magazines or lockers must be situated at least 8 feet from the ship's sides.

- NOTES: 1. A portable magazine, not exceeding 2 tons measurement, may be used for any of the above explosives, see sections 85 to 87.
2. M.S.B. explosives may be stowed in a close lined magazine either alone or with M.S.A. explosives.
3. M.S.B. and M.S.A. explosives may be stowed in a M.S.L. magazine with or without M.S.L. explosives.
4. Explosives in Group 6 marked as belonging to the Safety Ammunition Class and those in Class VI, Division 1, may be placed in a M.S.D. magazine or locker with M.S.D. explosives. No other explosives may be stowed therein or in the same compartment.

*Ordinary Ammunition Stowage O.A.S.*

34. Explosives requiring this type of stowage are in Group 5, 6, 7, 7A or 8, with isolated items from other Groups, and in Class VI, Division 1, 2 or 3. Magazines are not required. Stowage is to be arranged in accordance with sections 29, 30 and 43. These explosives may be stowed in the same compartments as M.S.A., M.S.B. (except as in section 33) or M.S.L. explosives. They may be stowed with other cargo subject to the requirements of section 44 concerning dangerous goods. These explosives may, if necessary, be stowed above ordinary cargo, but overstowing (stowing on top) of Government explosives requires the formal approval of the Service Representative Officer and must be confined to cargo not liable to contaminate or damage the explosives. Cordtex and aircraft bombs of the smoke type, clustered incendiary bombs or clustered H.E. bombs must not be overstowed.

- NOTE: Smoke Generators and Smoke Grenades (Group 11 series) should be stowed, whenever possible in a separate compartment. If this is not possible they should be stowed only with O.A.S. explosives of Group 11.

*Pyrotechnic Stowage A.S.P.*

35. Explosives requiring this type of stowage are in Group 9 and Class VII, Division 2, and are somewhat susceptible to damage in transit. They must not be overstowed (i.e., have other cargo stowed on top) or placed in the same compartment as other explosives except those in Group 6 marked as belonging to the Safety Class and those in Class VI, Division 1. Magazines are not required. The conditions of sections 29, 30 and 43 apply. Pyrotechnic explosives may be conveyed as deck cargo provided that they are suitably stowed in a waterproof portable container of the types A or B.

*Special Ammunition Stowage S.A.S.*

36. Explosives requiring this type of stowage are in Group 12 or 13 with a few items in Group 11; the first named may ignite spontaneously if a defective package permits leakage, while others contain chemical which may



**Canada Shipping Act—continued**

cause harm should leakage occur. The items in Class VI, Division 3, marked "S.A.S." are also in this category. Their stowage calls for great care and requires suitable provision for dealing with "leakers". The following rules must be observed.

- (a) Sections 29, 30, 43, 48, 49 and 50 apply.
- (b) S.A.S. explosives should preferably be stowed on deck, in a deep tank or No. 1 lower hold, but any other below deck stowage may be used if more convenient. It may be necessary to restrict deck stowage during a period of emergency. A shelter deck space may only be used for the stowage of S.A.S. explosives if the explosives and any dangerous goods are separated by an efficient fire-stop.
- (c) Magazines are not required for stowage in a deep tank or lower hold, but a 'tween deck space stowage will require a special magazine as in sections 90 to 96 unless the consignment occupies the greater portion of the 'tween deck, while for small quantities not exceeding 35 tons, containers constructed as in sections 97 to 108 will be used. Alternative arrangements to those set out in sections 90 to 108 may be adopted if approved by the Minister of Transport.
- (d) No other explosives are to be stowed in the same compartment as S.A.S. explosives.
- (e) S.A.S. explosives of Group 12 must not be stowed in the same compartment as those of Group 13 except that containers with S.A.S. explosives of Group 12 may be in the same 'tween deck space as containers with S.A.S. explosives of Group 13, provided that each Group is at opposite ends of the space. S.A.S. explosives of Group 11 may be stowed with S.A.S. explosives of Group 12.
- (f) Insulated spaces with steel decks may be used for the stowage of S.A.S. explosives in Groups 11 and 12 and for shell and loose bombs in Group 13.
- (g) If S.A.S. explosives of Group 13 containing chargings indicated by the letter "G" and a numeral are required to be shipped, prior reference must be made to the Minister of Transport for the conditions of transport.
- (h) Compartments in which Group 13 explosives are stowed must have all hatch covers, ventilators, pump suctions, scuppers, etc., effectively sealed off. Insulated spaces, together with their internal air ducts not necessary for cooling or ventilation, must also be sealed off.
- (i) Small quantities of less than 35 tons of S.A.S. explosives may be stowed in a suitable 'tween deck space between the ends of the hatches and the transverse bulkheads. Suitable containers as described in sections 97 to 108 must be used, and they must be effectively sealed off from the compartment. Eight containers may be stowed in the same space.
- (j) Deck stowage is preferable for S.A.S. explosives belonging to Groups 11, 12 and 13 under normal conditions. During an emergency it may be necessary to avoid this form of stowage where possible. The explosives must be conveyed in steel portable containers of Types A or B except in the case of lachrymatory stores which, as an alternative, may be conveyed in properly sheeted portable wooden magazines. The containers or magazine will be spaced and arranged on deck so that each is readily accessible in case of an emergency. They must not be stowed more than one tier high and must not be overstowed.

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- (k) S.A.S. explosives, other than Artillery Shell, Q.F. and Mortar Ammunition, may not be overstowed.

NOTES: 1. The method of marking packages containing S.A.S. explosives in Groups 11, 12 and 13 is given in Schedule C.

2. Chemical Defence Preparations should be stowed in a similar manner to Group 13 explosives.

*Optional Deck Stowage (D)*

37. For the purposes of these regulations, "Optional deck stowage" means stowage on the uppermost deck in a suitable position away from steam pipes, the explosives being protected from weather and spray by tarpaulin covers, and from the sun by an awning. Explosives for which this stowage is suitable are indicated by the letter (D) after the normal stowage code letters in Schedules B and D.

*Deck Stowage Only D.S.O.*

38. Explosives requiring this type of stowage must be placed on deck in steel containers.

*Gasoline Stowage Special P.X.S.*

39. Explosives requiring this type of stowage are in Group 15 and need the stowage conditions applicable to gasoline in drums.

*Unclassified Stowage U.C.S.*

40. Explosives requiring this type of stowage will be dealt with in accordance with special instructions issued by the Minister of Transport.

*Explosives and Coal*

41. (1) Explosives must not be carried in a compartment containing coal, nor in a compartment directly beneath one containing coal whether there is an intervening compartment free of coal or not.

(2) Explosives other than those marked "(C)" in column 5 of Schedule B and column 5 of Schedule D must not be carried in a 'tween deck compartment directly over a compartment containing coal whether there is an intervening compartment free from coal or not. In special circumstances, however, upon the authority of the Minister of Transport to whom each case must be submitted, certain additional explosives may be stowed in 'tween deck compartments directly over compartments containing coal. When such compartments are used for the carriage of explosives, the explosives must be raised off the decks of the compartments by the use of battens to facilitate fire-fighting operations.

- (3) The above restrictions do not apply to coke.

*Slinging Rules for Government Explosives*

42. (1) Explosives packed in boxes, except in the special instances mentioned in (4), (6), (7) and (8) should be slung in ammunition trays of approved design (see Plate III, Schedule A) or on scale boards fitted with efficient anti-spilling devices.

**Canada Shipping Act—continued**

(2) Loose shell, up to and including 7·2 inch calibre, are to be slung in ammunition trays of approved design only. Loose shell, above 7·2 calibre, are to be slung in strop slings slightly nose heavy, care being taken with capped shell to see that the sling is clear of the cap and that the cap is not loosened.

(3) Loose aircraft bombs, up to 1,000 lb. inclusive, should be slung either with approved bomb slings (Plate IV, Schedule A) hooked into the lug on the side of the bomb, or alternatively, in ammunition trays of approved design or on scale boards fitted with efficient anti-spilling devices. Loose aircraft bombs, above 1,000 lb. should be slung horizontally by two wire strops in the form of a bridle.

(4) (a) Clustered aircraft bombs, up to 1,000 lb., packed in steel cylinders, should be slung horizontally by means of:

- (i) Approved bomb slings shackled to the holes in the joining flange of the cylinders or to the lifting rings provided on later types, or
  - (ii) by two wire strops in the form of a bridle sling, the sharp edges of cylinder flanges being suitably packed with wood chafing pieces.
- (b) Clustered aircraft bombs above 1,000 lbs., packed in steel cylinders, should be slung horizontally by two wire strops of adequate S.W.L. in the form of a bridle sling, and sharp edges of cylinder flanges should be packed with wood chafing pieces.
- (c) Clustered aircraft bombs packed in wooden roller cases, should be slung horizontally by means of two strops forming a bridle.
- (d) Clustered aircraft bombs packed in rectangular wooden cases, should be slung horizontally by rope sling (strops), the soundness of which must be verified regularly during the course of loading and discharging. Care must be taken to maintain uppermost that side of the package which is indicated as the top by appropriate markings.
- (e) Clustered aircraft bombs of the nose ejection type shall be slung in the manner described for loose aircraft bombs of the corresponding weight.

Note: In all cases landing mats should be used when clustered aircraft bombs are being handled.

(5) Submarine mines except ground mines without crates, shall be slung by the lifting eyes provided. Ground mines without crates shall be slung by suitable strops. Special care must be taken to prevent damage to the casing.

(6) Mine charge cases and depth charges except Mark 11 (eleven) shall be slung by their ringbolts, lifting lugs or lifting eyes of the crate holding them, as appropriate. Depth charges, Mark 11 (eleven), shall be slung on ammunition trays of approved pattern or scale-boards with an efficient anti-spilling device.

(7) Torpedo warheads should be slung by the special lifting lugs provided at the end of the package.

(8) Packages containing Naval B.L. cartridges shall be slung from their beckets using hook slings fitted with spring clips. Packages containing Naval Q.F. cartridges may also be slung from their beckets if this



**Canada Shipping Act—continued**

is more practicable than the use of ammunition trays, *vide* 42 (1). Care must be taken that all beekets are used, and that no one package takes the strain of another.

(9) The use of nets *alone* for slinging explosives is prohibited.

(10) Containers holding bulk explosive must not be rolled during the operations of loading or unloading.

*Methods of Stowage*

43. Explosives shall be stowed in the following manner:

(1) Loose shell and bombs:

(a) The bottom tier should rest on two broad runners, laid athwartships and sufficiently thick to keep the grummets or lugs clear of the deck. The runners should be at the points of greatest bearing, which, with shell, will be immediately in front of the driving band and at the shoulder.

(b) The lower tier of shell should have the grummets hard against one another, the heads being spaced to keep the axes parallel and secured with chocks or dunnage sidepieces on each side. Aircraft bombs should be dealt within a generally similar manner, care being taken to avoid damaging the lugs.

(c) The chocks and dunnage pieces referred to in (b) can if necessary be dispensed with for the lower tiers of shell below 8 inch calibre, and also with shell of 8 inch calibre and above when there is only one tier and the shell in this tier are stowed alternately heads and tails with the grummets taking snugly against the shoulders of adjacent shell.

(d) Riding tiers of shell should be reversed, care being taken that the grummets of the riding tier are taking snugly against the shoulders of the two lower shell. Aircraft bombs should be stowed similarly.

(e) When shell of 7·2 inch calibre and above are stowed in more than one tier, two broad runners shall be placed below each tier at the points of greatest bearing on the tiers above and below, to ensure that the driving bands are not in contact with the shoulders of shell above or below them. In this arrangement each shell must be chocked off securely in a similar manner to those in the lower tier.

(f) Wings should be secured by wedges thoroughly driven down.

(g) Holding down boards shall be used for single or broken tiers and when shell are not overstowed.

(h) Adjacent piles of shell or bombs should be stowed so that they are nose to nose and base to base.

(i) The number of tiers, or height of stack, must not exceed the following:

*Shell, all natures:*

	Tiers
12 inch and over .....	5
Below 12 inch to 7·2 inch .....	8
Below 7·2 inch to 5·5 inch .....	11
Below 5·5 inch .....	15



**Canada Shipping Act—continued***Aircraft bombs:*

Bombs, chemical smoke, T.I. or L.C. }	10 feet
Bombs A.P., S.A.P., G.P. and M.C... }	
Clusters, H.E. incendiary or smoke.. }	
Bombs, A.S. ....	7 feet 6 inches
Bombs, H.C. ....	3 tiers, having wooden runners of at least 4 inches bearing face between the tiers.

(2) Depth charges and mine charge cases shall be stowed fore and aft in athwartships tiers on their sides to a height not exceeding six tiers, having broad runners under the bottom tier, the pile to be blocked off similarly to shell.

(3) Submarine mines must not be stowed more than three tiers high.

(4) Light case chemical weapons, if loose, must not be stacked more than two tiers high. They must not be overstowed.

(5) Barrels must invariably be stowed bilge free and be well chocked off.

(6) Packages containing explosives shall be stowed with their longest axis horizontal, unless otherwise specified.

(7) Boxed ammunition may normally be stacked to a height not exceeding 12 feet provided, in all cases, that a clear space of not less than 3 inches is left below the beams of the deck above.

(8) (a) Army pattern B. L. cartridge cylinders, in skeleton cases, may be stacked horizontally to a height of 12 feet, but when skeleton cases are not fitted, the height of the stacks must not exceed 5 feet.

(b) Naval pattern cartridge cylinders may be stacked horizontally up to 12 feet.

(c) Army pattern cartridge cylinders may be stacked vertically to a height of 12 feet.

(9) Bulk explosives must be stowed so as to leave a clear space of at least 3 inches below the beams of the deck above.

*Dangerous Goods*

44. When other dangerous goods or goods incompatible with explosives are loaded in a ship carrying explosives, these substances must be stowed in conformity with the instructions contained in sections 114 to 124 and in the appropriate column of the Tables contained in the schedules of these regulations.

*Use of Hatchways*

45. The square of the hatchways in the 'tween decks may be used if necessary for the storage of explosives carried in portable magazines or any O.A.S. explosives. The square of the hatchways should not normally be used for the stowage of explosives requiring magazine stowage unless the quantities are such as can be catered for by portable magazines. If no other stowage is available, and upon application to the Minister of Transport, authorization may be given to build a magazine in this space. In such circumstances the hatchways on which the explosives are stowed must be made dustproof to prevent any explosive leakage reaching the hold below.

**Canada Shipping Act—continued***Electrical Fittings*

46. (1) In any magazine for explosives requiring M.S.A., M.S.B., M.S.D., or M.S.L. stowage, electric cables or electrical apparatus should, if practicable, be excluded. Where this is impracticable, electric cables may be allowed, provided they are enclosed in heavy gauge screwed steel conduit or protected by an electrically continuous metal sheathing and steel wire armouring or are of the mineral-insulated metal-sheathed type; and provided also that they are separated from the explosives by an approved non-combustible barrier secured to the deck above and consisting either of trunking, troughing or similar means arranged to enclose the cables, or of continuous sheeting extending over the upper surface of the explosives to the extremities of the magazine. No junction boxes, switches, fuses, lamp fittings or other electrical appliances or cable joints shall be allowed within the magazine.

(2) Before the stowage of explosives is commenced, tests of the insulation resistance of the cores and of the continuity of the metal sheathing and armouring of any cables traversing the magazine shall be made to ascertain the conditions of the cables and the results of such tests certified by a competent person to the satisfaction of the master of the ship.

(3) In any space containing a magazine used for the stowage of explosives other than those enumerated in subparagraph (1) any cables and electrical equipment situated between the bulkheads forming the boundary of the space, shall be sited in relation to the cargo or protected, so as to ensure freedom from mechanical damage and risk of fire. All points to which portable apparatus could be connected must be effectively sealed to prevent their use.

*Other Cargo*

47. Cargo other than explosives, may if of a kind not otherwise prohibited by these regulations, be placed in a magazine with explosives, provided that it is separated from them by a close lined partition.

*S.A.S. Explosives*

48. When a vessel is intended to carry S.A.S. stores, special instructions must be sought from the Minister of Transport.

*Respirators*

49. When explosives indicated by the letter (R) in Schedule B are carried each member of the crew must be provided with a service pattern respirator for use on a voyage, except that when such explosives are limited to lachrymatory stores, composition (type E) P N, stores charged with F. M or CSAM or chemical ampoules, six respirators only need be provided. Respirators will be supplied by the Department of National Defence.

*Conducting Parties*

50. Explosives in Group 13 and atomic, biological and chemical stores must be accompanied throughout the voyages by a conducting party provided and equipped by the Service Department concerned. The strength of the party, and the protective and decontamination equipment to be supplied will be decided under arrangements made by the service or supply department concerned.

**Canada Shipping Act—continued***Entry into Docks and Harbours*

51. Government explosives bearing a mass explosion risk are designated as Shipping Category "C" and those bearing a mass fire risk or a limited explosion risk are designated as Shipping Category "B". The quantities permissible in any one ship in docks and harbours shall be in accordance with the regulations covering the matter. Government explosives in Group 6 classified as Safety Ammunition will not be subject to any quantity restriction.

*Packing and Marking of Explosives for Conveyance*

52. In sections 53 to 59 the following definitions apply:

- (a) "Authorized explosive" means an explosive that is declared by the Minister of Mines and Technical Surveys to be an authorized explosive.
- (b) "outer package" means a box, barrel, case or cylinder of wood, metal, or other solid material, of such strength, construction and character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape.
- (c) "inner package" means a substantial case, bag, canister, covering, or other suitable container, made and closed so as to prevent any explosive from escaping;
- (d) "propellant" means an authorized explosive of Class III and intended exclusively for use as a propelling charge in ordnance or small arms.

53. The following rules, sections 54 to 59, shall be observed with regard to the packing and marking of explosives for conveyance, provided that exemption from any of these conditions may be granted on the written authority of the Minister of Transport upon such conditions as he may impose in any particular case.

*Package to be clean*

54. The interior of every package shall be clean and free from grit.

*No uncovered iron or steel*

55. No iron or steel shall be used in the construction of a package unless it is covered with a suitable material, or guarded so as to effectually prevent the exposure of such iron or steel, provided that this does not apply to the packing of explosives in Division 1 of Class VI or Division 2 of Class VII.

*Exclusive use of package*

56. (1) Except as provided in subsection (2) no person shall pack an explosive in a package that contains another explosive or any other article or substance.

(2) Nothing in subsection (1) prohibits (a), the packing in one outer package of inner packages containing one kind of propellant together with inner packages containing another kind of propellant, or (b), the packing of an article that is not an inflammable or explosive nature, or liable to cause fire or explosion, with explosives of Division 1 of Class VI (ammunition).



**Canada Shipping Act—continued**

*Additional package*

57. The use of an additional package, whether inner or outer, is not prohibited unless such additional package is of a character prohibited in writing by the Minister of Transport.

*Unauthorized explosive*

58. The following explosives shall be packed in such manner as may be directed in writing by the Minister of Transport under such conditions as he may impose in each case:

- (a) Any explosive other than an authorized explosive;
- (b) Any explosive comprised in Division 1 of Class V which is of such a character that it cannot be packed in a thoroughly wet condition;
- (c) Any explosive of Division 2 of Class V other than barium tri-nitro-resorcinate, lead di-nitro-resorcinate, lead tri-nitro-resorcinate and tetrazene, and
- (d) Fuseheads of Division 2 of Class VI.

*Marking*

59. (1) Except as provided in this section, on the outer package there shall be affixed in conspicuous characters, by means of a brand or securely-attached label or other mark, the word "EXPLOSIVE" and the name of the explosive, the number of the class and division to which it belongs, and the name of the manufacturer or sender.

(2) In the case of explosives in Class III or IV there shall be added the date of manufacture or issue from the factory.

(3) In the case of cartridges or other charges for ordnance shells, mines, blasting or other like purpose that do not contain their own means of ignition, the marking shall be as for the explosive when not so made up.

(4) In the case of explosives of Division 1 of Class VI, except safety fuses, there shall be added the words "Not liable to explode in bulk".

(5) In the case of safety fuses or gunpowder the word "EXPLOSIVE" and the number of the class and division may be omitted.

(6) Where an outer package contains more than one explosive, the marking above required shall be affixed separately in respect of each explosive so contained.

*Specification for the Construction of Magazines*

60. Sections 61 to 113 shall be observed in the construction of magazines when required for the carriage of Government or commercial explosives in ships.

61. Magazines may be fitted in any part of the ship conforming to the conditions laid down in sections 12, 29 to 33 and 36, but they must be so placed that their doors are easily accessible from a hatchway.

62. Except where otherwise specified magazines shall be constructed of wood, using clean, undressed timber. Timber sizes given below are for general guidance only and the use of other sizes, depending on material available, is not precluded; for instance, the use of 4 inch by 2 inch uprights in lieu of 3 inch by 3 inch and of 1 inch board in lieu of 1½ inch is at present authorized by the Minister of Transport. Nails used for fastening timber shall be galvanized iron.



**Canada Shipping Act—continued***Magazine, type A*

63. Magazines of type A are required for stowage of explosives denoted by the letters M.S.A. or M.S.L. in Schedules B and D.

64. The magazines shall be a space of the required size, normally in 'tween deck or shelter deck, enclosed by partitions constructed of  $1\frac{1}{4}$  inch close fitting boards secured internally to 3 inch by 3 inch uprights spaced 2 feet apart running from deck to deck and firmly secured top and bottom; when the height of the deck exceeds 8 feet, uprights shall be spaced not more than 18 inches apart; when built on steel or iron decks the heels of the uprights shall be stepped on and secured to a board 1 inch thick laid on the deck.

65. The boarding of these partitions shall run from upright to upright on the inside of the magazine extending from deck to deck and fitting closely between the beams and be fastened securely by 3 inch nails, three to each board on each upright.

66. Boards 9 inch by  $1\frac{1}{4}$  inch shall be securely fastened to the outside of the uprights at the upper and lower ends for securing heads of shores when required; the space formed between the lower board and the partition boards shall be filled in.

67. The ship's side or hold bulkheads may, if necessary, be used as the sides of the magazine, but in this case the ship's side and steel bulkhead shall be close lined with  $1\frac{1}{4}$  inch boards up to the beams.

68. The flooring of magazines of this category shall consist of close fitting  $1\frac{1}{4}$  inch board secured over 3-inch by 2-inch bearers spaced 18 inches apart.

69. All pillars, stanchions, ventilator shafts and all other iron work in the magazines shall be close sheathed with wood or other suitable material.

70. Where required for the stowage of explosives requiring lead-free conditions (denoted by the letters M.S.L. in Schedules B and D) the deck-head over the magazine shall be lined with close-fitting 1-inch boarding secured under the beams; when the latter is not practicable, the package shall be covered by a "lead-free" fabric sheet, e.g., a closely woven linen or cotton sheet. In other cases the deckhead need not be lined but care shall be taken that the beams and underside of the deck are well painted and are free from rust, scale or loose paint.

71. One or more doorways according to the size of the magazine, at least 4 feet wide, shall be fitted in the side of the magazine facing the hatchway with a 3-inch by 3-inch cant piece fitted and secured at the lower part to form a sill for the full width of the doorway, the top edge being 1 inch above the bottom boards; the framing of the doorway should leave a  $1\frac{1}{2}$  inch rabbet on the inside of the magazine formed by the uprights and the lining; an additional thickness of 2 inches shall be secured to the uprights on each side of the doorway to a height of 2 feet 6 inches for the lower part of the door to run on; these additional pieces shall be snapped off from front to back for a distance of 6 inches down from the top.

72. The door may be made in one or two parts; if of two parts, the door shall be formed of two thickness of  $1\frac{1}{4}$  inch boards, the lower part to be 3 feet in height and to be shipped from the inside, the upper part to

**Canada Shipping Act—continued**

be of such height as is necessary and to be shipped from the outside. The boards forming the upper part of the door shall be well fastened together crossways by nails, having their points turned on the inside and punched in, the inner boards to fit the width of the doorway and to extend 5 inches beyond the upper edge of the outer boards and 2 inches beyond the lower edge; both ends of the outer boards shall extend 3 inches beyond the sides of the inner boards forming reverse rabbets.

73. The boards forming the lower part shall be secured and kept 3 inches apart by fir scantling 3 inches by 3 inches extending from 1 inch above the bottom to within 2 inches of the top and placed  $2\frac{1}{2}$  inches in from each end of the outer boards, the length of the outer boards to be of the width of the doorway, and the inner boards to extend  $1\frac{1}{2}$  inches beyond the outer boards at each end.

74. Two handholes for lifting purposes shall be cut through both the inner boards of the lower part and the outer boards of the upper part; when both parts of the door are in place the space between the top of the upper part and the lower edge of the shoring board shall be filled in with a  $1\frac{1}{4}$  inch board securely fastened to the uprights.

75. A 3-inch by 3-inch stanchion shall be securely wedged between decks at the middle of the door and tommed off to prevent shifting. The section of this stanchion should be increased as necessary if heavy packages are stowed in the magazine.

76. If a one-piece door is fitted it shall be of similar construction and fitting to the upper door section referred to in section 72; where insulated spaces are used as magazines the hinged insulated doors should be utilized.

*Magazine, Type B*

77. Magazines of Type B are required for the stowage of explosives denoted by the letters M.S.B. in Schedules B and D.

78. The magazine shall be similar in construction to Type A, except that where the sides of the magazine consist of the ship's side or hold bulkheads, these should be lined with cargo battens not more than 6 inches apart; where cargo battens are already fitted and are more than 6 inches apart filling pieces shall be provided; where no cargo battens are fitted, temporary battens 6 inches by 2 inches spaced 12 inches apart, centre to centre, should be provided.

79. The flooring of this category of magazines when not built on cargo shall consist of sparred gratings constructed of 3-inch by 1-inch spars spaced 3 inches apart nailed to 3-inch by 1-inch cross spars of bearers spaced 12 inches apart; these gratings shall be portable to allow access for cleaning and in sections of a size suitable for passing through the doorway.

*Fixed magazines on cargo*

80. When it is necessary to build a magazine on cargo, the selected place shall be levelled and the floor formed of 3-inch by 3-inch quartering placed 2 feet apart and covered with close fitted  $1\frac{1}{4}$  inch boards securely nailed; uprights 3 inches square, 2 feet apart, shall be run from the boards to the deck above, to fit tight and be well driven in, cleated at the bottom and well tommed off at the top.

**Canada Shipping Act—continued**

81. The remainder of the magazine shall be constructed as specified for a magazine of Type A or Type B except that in the case of the latter the ship's sides or hold bulkheads must be close lined with  $1\frac{1}{4}$  inch boards up to at least 3 feet above the level of the floor, the ship's sides, etc., above this being sparred.

82. A fixed magazine of any category shall be efficiently ventilated, but any deck ventilator leading into the magazine shall have double fine mesh wire gauze guards fitted in the ventilator coaming, or otherwise be fitted with a fireproof cowl or other efficient fireproof covering.

*M.S.D. Magazine*

83. A M.S.D. magazine may be either a fixed magazine or a portable magazine and is required for the stowage of explosives denoted by the letters M.S.D. in Schedules B and D.

84. A fixed magazine of this category shall be constructed in a similar manner to that prescribed for Type B, except that it must be placed at least 8 feet from the ship's side.

*Portable Magazine*

85. A portable magazine may be used in lieu of a fixed magazine for explosives denoted by the letters M.S.A., M.S.B., or M.S.L. in Schedules B and D, when the quantities do not justify the construction of a fixed magazine, but the capacity must not exceed 2 tons measurement.

86. A portable magazine shall be made to the size required in accordance with the dimensions of the packages to be stowed therein and shall consist of a frame made of 3-inch by 2-inch quartering floored and boarded up on the inside with  $1\frac{1}{4}$  inch boarding with a similar top and lid fitted with cleats on the inside to keep it in its place when shipped.

87. A portable magazine when stowed shall be securely chocked off and if containing detonators shall be stowed at least 8 feet from the ship's side.

88. Compartments in which a portable magazine is stowed shall be efficiently ventilated and ventilators leading into the magazine shall have double fine mesh wire gauze guards fitted in the ventilator coaming or otherwise be fitted with a fireproof cowl or other efficient fireproof covering.

89. In all portable magazines efficient locking shall be effected by a locking plank across the movable portion of the lid and secured by padlocks of the Yale type to staples in the fixed portions of the magazine, these staples being clinched over on the inside to ensure that they cannot be prized off.

*Type of magazine required for medium and small quantities of S.A.S. explosives*

90. When the quantity of S.A.S. explosives to be stowed exceeds 35 tons but is insufficient to justify the use of a deep tank or No. 1 lower hold, a special magazine of the type described in sections 91 to 96, will be constructed in a 'tween deck space to accommodate the consignment and prevent the escape of leakage from the packages.



**Canada Shipping Act—continued**

91. A 'tween deck space forward should be selected, and, for preference, the smallest and furthest from accommodation, bunker, stokehold or engine room space. The site of the magazine should be such as to exclude ventilators, vent shafts, electric cables, trimming hatches and scupper pipes, from the enclosure; a wood deck should not be used, nor, if it can be avoided, a wood sheathed deck.

92. The magazine shall be an enclosure of the required size constructed of 3-inch by 3-inch uprights spaced 2 feet apart running from deck to deck and lined internally with two thicknesses of  $\frac{5}{8}$ th inch boarding with a layer of unbleached calico worked between; the  $\frac{5}{8}$ th inch boarding shall be worked horizontally, close fitting and with the edges breaking joint as shown in Plate 1 of Schedule A; the deckhead shall be similarly lined, the boarding being fitted on the underside of the beams. For S.A.S. explosives in Group 12, an approved asbestos lined type magazine or a sand bag enclosure may be used instead of the special calico interlined type.

93. The uprights shall be stepped on 1-inch planking, well-bedded in glazier's putty and firmly secured top and bottom, 11-inch by  $1\frac{1}{4}$  inch boards being securely fastened on the outside at the upper and lower ends for securing heads of shores when required; a cement fillet at least 6 inches in height shall be worked round the whole of the inside of the magazine where the sides take on the deck; the cement should, if possible, be treated with sodium silicate (water-glass) when partly dry, or, alternatively, a waterproof type of cement may be used.

94. A doorway 4 feet wide and 5 feet high shall be fitted in the side of the magazine facing the hatchway, the bottom of the doorway being at least 1 foot above the level of the deck; the door shall be hinged, opening outwards and constructed of a substantial framework with lining similar to that used for the walls of the magazine; the edges of the door and doorway frame shall be made so as to form a plug joint and shall be lined with good quality felt; securing arrangements shall consist of three butterfly nuts fitted to the doorway frame to take on appropriate fittings on the top, bottom and side of the door (see details in Plate I, Schedule A.)

95. The 'tween deck space shall be sealed off in accordance with paragraph (h) of section 36.

96. When Group 13 explosives charged with G. 1 or G. 10 are stowed in such magazines a 3-inch ventilating pipe shall be let into the deckhead, through the lining and into the magazine; it shall extend through the upper deck to a point at least 15 feet above upper deck level, well clear of the bridge and living quarters.

97. When the quantity of S.A.S. explosives does not exceed 35 tons, approximately, special containers may be used, as specified in paragraph (i) of section 36, these being Portable Type A, or Portable Type B, as described in sections 98 to 108.

98. Portable type A is illustrated in Plate II of Schedule A and should be constructed mainly of 4 feet by 4 feet light pressed steel units, suitable for assembly in position. The units shall be not less than  $\frac{3}{16}$ ths of an inch thick, with continuous flanges for external bolting. The lid shall consist of two 4 feet by 2 feet end units with centre 4 feet by 4 feet units as required. These units shall be of  $\frac{3}{16}$ ths of an inch flat steel plate, suitably



**Canada Shipping Act—continued**

stiffened; the end units shall be bolted in position before loading to prevent distortion. The centre units shall be well-bolted down along the sides and joints after loading.

99. The containers may be assembled 8 ft., 12 ft., or 16 ft., long, according to the quantity of explosives to be stowed, and shall be gas-tight. A suitable plastic jointing compound approved by the Minister of Transport shall be used throughout to effect a seal. The interior shall be painted with an anti-corrosive paint.

100. The 2-foot end units of the lid shall be fitted with a 2-inch socket and a plug, the socket being suitable to take a pressure test apparatus or a ventilating pipe. Each end unit of the body shall be fitted with a 1-inch drain plug, low down, about the centre.

101. The container shall be tested to an air pressure of 2 pounds per square inch before stowing the explosives, and no leakage should occur.

102. When very small quantities of S.A.S. explosives are to be stowed, a portable container, as illustrated, Type B of Plate II, Schedule A, may be used.

103. A container, portable Type B, should be approximately 5 feet by 2 feet 9 inches by 2 feet; it shall be constructed of plate not less than  $\frac{3}{16}$ ths of an inch thick; the bottom and ends shall be in one piece, with the edges suitably mitred for welding and flanged to form an efficient lap for securing the sides; if rivetting is used, the rivets should be at watertight spacing.

104. A continuous boundary bar of 2-inch angle shall be fitted on the outside 1 inch below the top and efficiently secured to the container. Four 2-inch angle bar stiffeners shall be fitted around the container as shown, one at each end, the others equally spaced as shown. These stiffeners shall be properly secured in position and welded at their upper ends to the boundary bar, the upper standing flanges being snapped off.

105. The lid shall be of  $\frac{1}{4}$  inch plate and shall extend for  $1\frac{1}{2}$  inches beyond the sides of the container; a  $1\frac{1}{2}$  inch rubber strip  $\frac{1}{4}$  inch thick or similar jointing material shall be secured to the underside of the lid by  $\frac{1}{2}$  inch steel strips to engage the upper edge of the body and form a gas tight joint; the lid shall be provided with suitable hinges and secured by 20 butterfly nuts and fittings, i.e. six down each side and four at each end.

106. A 2-inch socket, with plug, suitable for a pressure test apparatus or ventilating pipe shall be provided in the lid, and a drain plug, 1-inch diameter, at the bottom of the container, as shown; at least four lifting points, with suitable shackles, shall be fitted in the standing flanges of the stiffeners.

107. The interior of the container shall be painted with an anti-corrosive paint.

108. Before stowing the explosives the container shall be tested for air tightness to a pressure of 2 pounds per square inch and no leakage should occur.

**Canada Shipping Act—continued***Steel or iron magazines*

109. When necessary to fit a permanent cargo magazine in a ship, this may be constructed of iron or steel but in such a case the whole of the interior shall be thoroughly protected by paint, varnish, galvanizing or other suitable coating and also close or sparred lined with wood as described in section 111.

*General requirements for all magazines*

110. Magazines of all types shall be secured by strong padlocks of the Yale type, with hasps and staples of metal or galvanized iron.

111. Magazines when not blocked off at the sides by other cargo shall be efficiently tommed off; when a magazine measures athwartships more than 40 feet, a fore-and-aft bulkhead must be fitted on the centre line to facilitate blocking off packages in the magazine. This bulkhead shall be constructed of 3-inch by 3-inch uprights 3 feet apart extending from deck to deck, secured top and bottom as for side partitions and lined up with 1-inch boarding not more than 6 inches apart placed alternately on either side of the uprights; the ship's permanent stanchions may be used in lieu of temporary uprights when they are suitably placed and not more than 6 feet apart.

112. Alternative arrangements to those required for the construction of magazines or stowage of medium and small quantities of S.A.S. explosives may be adopted provided they are approved by the Minister of Transport as being equally effective.

113. Specification plans for the construction of magazines, bomb sling and hook for 250 pound, 500 pound, and 1000 pound bombs are given in Schedule A.

*Restriction of Stowage of Certain Materials in Ships  
Carrying Explosives*

114. When a vessel is carrying explosives, certain materials will be subject to restrictions in stowage. The stowage restriction is indicated by a number in the appropriate column of the tables listed in the various schedules, and has the meaning indicated in sections 115 to 121.

115. Number 1 indicates that the material may not be carried in an explosives ship.

116. Number 2 indicates that the material must, whether stowed on or under deck, be separated from explosives by the engine and boiler room space. If carried in a shelter deck space there must, in addition, be an efficient fire stop between the place where the goods are carried and the hold or holds containing the explosives. By an efficient "fire stop" is meant a complete steel bulkhead or one in which the openings are effectively closed by a stout steel plate or plates secured to the bulkhead.

117. Number 3 indicates that the material must, if stowed under deck or in a shelter deck space, be separated from the explosives by the engine and boiler room space or by one complete hold in a horizontal plane, and if in a shelter deck space there must in addition be an efficient fire stop (see section 116) between the place in which the goods are carried and the hold in which the explosives are stowed. If carried on the open deck they

**Canada Shipping Act—continued**

must not be directly above the hold in which the explosives are stowed, and if the explosives are in the compartment immediately below the deck the goods must be separated from them by a distance of at least one compartment.

118. Number 4 indicates that the material must not be stowed in the same hold with explosives and, if on deck, may not be directly above explosives stowed in the compartment immediately below the deck. If carried in a shelter deck space there must, in addition, be an efficient fire stop, as described in section 116, between the dangerous goods and the hold in which the explosives are stowed.

119. Number 5 indicates that the material may be stowed in the same hold but not in the same compartment with explosives of Groups 5 and 7, and with the following explosives in Groups 6 and 8.

*Group 6*

Safety class ammunition.  
Fuses.  
Fuses, instantaneous.  
Gaines.  
Heads, rocket, radar-echo.  
Igniters (all natures).  
Primers, percussion.  
Primers, electric.  
Primers, electric and percussion.  
Projectiles, hedgehog, weighted.  
Projectiles, practice, hedgerow.  
Shell, boxed (all natures).  
Shot, with tracer.  
Tubes (all natures).

*Group 8*

Grenades, H. E.  
Petards.  
Projector ammunition, practice.

They may not be stowed in the same hold with any other explosives unless the explosives are packed in portable containers, Type A or Type B, and are stowed in a separate compartment. This rule also applies to the commercial explosives in Schedule D which have the same designation, or the same equivalent Government explosives group.

120. Number 6 indicates that the material may be stowed in the same hold with any explosives but in a separate compartment.

121. Number 7 indicates that the material may be stowed in the same hold with any explosives but not in the same compartment with explosives other than those of groups 5 and 7, those of groups 6 and 8 listed in restriction number 5, section 119, and any contained in portable containers Type A or Type B. They may not overstore any explosives other than shell, plugged (Group 5) and bombs, aircraft (Group 7). This rule also applies to the commercial explosives in schedule D which have the same designation or the same equivalent Government explosive group.

**Canada Shipping Act—continued**

122. The following goods, which are not dangerous, require a degree of segregation from explosives as follows:

<i>Material</i>	<i>Restriction</i>
Ammonium salts, other than those included in the schedules ..	6
Guano .....	5
Lime, slaked .....	6
Perborates .....	7
Percarbonates .....	7
Persulphates .....	6
Sulphides, other than those included in the schedules .....	5

*Explosives on Deck*

123. When explosives are stowed on deck their position in relation to other dangerous goods will be governed by restrictions 2 or 3 where these are applicable. Dangerous goods normally subject to restriction 4 will, when explosives are stowed on deck, be regarded as subject to restriction 3.

*Safety Class Ammunition*

124. When the proximity of Safety Class Ammunition only has to be considered restriction 4 (5 in the case of Safety Cartridges only) may be regarded as taking the place of restrictions 2 and 3 and restriction 6 as taking the place of restriction 4.

**Part III**

CLASSIFIED LIST OF GOVERNMENT EXPLOSIVES

(Department of National Defence)

125. Schedule B gives a classified list of Government explosives and specifies the Government explosive group number, the shipping category, equivalent rail class (Board of Transport Commissioners) stowage conditions in cargo ships, Service safety distance category (Department of National Defence), and the fire fighting class appropriate to each explosive. Additional requirements for certain explosives are included in the notes preceding the classified list.

*Government Explosives Group Classification*

126. Government explosives have certain characteristics indicated by the group numbers which follow:

*Group 1*

Explosives bearing a fire and explosion risk and relatively sensitive to spark or friction or those requiring lead-free conditions, packed in bulk or contained in paper or fabric wrapping (i.e. other than those contained in a sealed metal component), not containing a means of ignition.

*Group 2*

Explosives liable to decomposition, bearing an explosion risk and liable to function by spark or friction, not containing a means of ignition.



**Canada Shipping Act—continued***Group 3*

Explosives liable to decomposition, bearing a fire risk, not containing their own means of ignition.

*Group 4*

Stable explosives, bearing a fire or explosion risk, not containing their own means of ignition.

*Group 5*

Unboxed shell, filled high explosive, gunpowder or star composition, plugged or fused.

*Group 6*

Boxed ammunition, containing high explosives, gunpowder and propellants only, with or without their own means of ignition.

*Group 7*

Mines, metal primers, bombs and underwater ammunition, filled high explosive, plugged, with or without components in their packages.

*Group 7A*

Mines, bombs and underwater ammunition, filled high explosive, containing their own means of ignition.

*Group 8*

Mortar and projector ammunition (filled high explosive, or gunpowder), grenades and rockets filled high explosive, with or without propellants and components in their packages.

*Group 9*

Pyrotechnics.

*Group 10*

Detonators and initiatory compositions.

*Group 11*

Incendiary and smoke ammunition, not containing phosphides, white phosphorus, inflammable liquids or gel, with or without components in their packages.

*Group 12*

Ammunition containing phosphide or white phosphorus, with or without components in their packages.

*Group 13*

Chemical ammunition, with or without components in their packages.

*Group 14*

This is a special Group, applicable only to stowage in H.M. ships.

*Group 15*

Incendiary ammunition containing inflammable liquids or gel, but not containing phosphides or white phosphorus, with or without components in their packages.

**Canada Shipping Act—continued**

*Shipping Categories*

127. The shipping category for each explosive other than for Safety Ammunition is denoted in column 3 of Schedule B, and has the following characteristics:

Shipping Category B—explosives which have a fire or minor explosion risk but not the risk of mass explosion. This category also includes weapons having a toxic risk.

Shipping Category C—explosives which have a mass explosion risk.

*Equivalent Rail Class (Board of Transport Commissioners)*

128. The classification used for rail shipments is specified in column 4 of Schedule B and has the following characteristics:

Expl: A—Class A explosives as defined in section 73.53 of the B.T.C. regulations.

Expl: B—Class B explosives as defined in section 73.88 of the B.T.C. regulations.

Expl: C—Class C explosives as defined in section 73.100 of the B.T.C. regulations.

*Stowage Conditions*

129. The stowage conditions in cargo ships for each explosive is denoted by the code letters in column 5 of Schedule B. (See section 12).

*Service Safety Distance Category (D.N.D.)*

130. The safety distance category for each explosive is denoted in column 6 of Schedule B, and has the following characteristics:

Category X Those explosives which have a fire, or a slight explosion risk, or both, but the effect of which will be localized.

Category Y Those explosives which have a mass fire risk, or a moderate explosion risk, but not the risk of mass explosion.

Category Z Those explosives which have a mass explosion risk with serious missile effect.

Category ZZ Those explosives which have a mass explosion risk and minor missile effect.

Category V Those weapons containing toxic materials, with or without explosives, which have a toxic risk, with or without a very slight explosion risk.

*Fire Fighting Class*

131. The fire fighting class is stipulated in column 7 of Schedule B by numbers 1 to 6 inclusive which have the following characteristics:

Class 1 Explosives are those which must be expected to explode *en masse* immediately the fire reaches them.

Class 2 Explosives are those which are readily ignited and burn with great violence without necessarily exploding.

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- Class 3 Explosives are those which may explode *en masse* but, compared with Fire Class 1 explosives, may be exposed to a fire for some time before exploding. There will be a blast and fragment hazard.
- Class 4 Explosives are those which burn fiercely and give off dense smoke with, in some instances, toxic effects. There is no risk of mass explosion.
- Class 5 Explosives are those used in association with toxic substances as chemical weapons.
- Class 6 Explosives are those which may be exposed to a fire for some time before exploding. The risk of mass explosion is not involved but small sporadic explosions will occur with increasing frequency as the fire takes hold. There will be a fragment hazard but not a serious blast risk.
- Class MP—(metallic powder) Comprises substances of the non-explosive dangerous goods class containing metallic powders such as magnesium, aluminum or zinc powders either in ammunition or in bulk when these are held in explosives establishments ashore and provision for fire fighting has, therefore, to be included.

132. There are a number of items used by the Department of National Defence which, though classed as non-explosive, are of a dangerous nature, and for the purpose of these regulations are classed as dangerous goods. These are as follows:

<i>Designation of Ammunition</i>	<i>Dangerous Substance</i>
Ampoules for mine, practice, contact, A tk.	Chlorosulphonic Acid Mixture
Bomb, aircraft, practice, flame, break-up 8½ lb.	Phosphide
Bomb, aircraft, practice, smoke, break-up 8½ lb.	Titanium tetrachloride
Bomb, aircraft, practice, smoke, filled F.M. or C.S.A.M.	Titanium tetrachloride or Chlorosulphonic Acid Mixture
Bomb, incendiary AN/M ... lb., filled T.P.I. (see group 15 for these bombs fitted with exploders)	Gasoline
Candles, smoke, white	Phosphide
Container, smoke	Titanium tetrachloride
Destructor, incendiary No. 2 (see group 2 for other numbers)	Gasoline
Drums, F.M.	Titanium tetrachloride
Flame, floats, aircraft, navigation	Phosphide
Installation, S.C. type G ... lb. filled F.M.	Titanium tetrachloride
Marker, marine, aircraft	Phosphide
Marker, sea, aluminum	Aluminum powder
Matches, flamer	Match composition
Matches, fuse safety	Match composition
Matches, waterproof, safety	Match composition
Mine charge cases, filled sodium phosphide	Phosphide
Slow match	Potassium nitrate
Submarine bubble decoy	Magnesium and iron powder

**Canada Shipping Act—continued**

133. The items listed in paragraph 132 must not be labelled or marked to suggest that they contain explosive, nor must they be consigned for transport as explosive. When offered for shipment they must be stencilled or labelled to indicate the substance contained and will bear the appropriate dangerous goods label, including the flash point in the case of inflammable liquids. Their stowage in relation to explosives will be governed by the conditions laid down for the dangerous substance which they contain.

*Labelling and Marking*

134. Requirements respecting the labelling of Government explosives, and the marking of groups 11, 12 and 13 explosives are contained in Schedule C.

**Part IV**

## AUTHORIZED COMMERCIAL EXPLOSIVES

135. For the purpose of the Explosive Act, and pursuant to regulations made thereunder, explosives are divided into seven classes:

- Class I — Gunpowder
- Class II — Nitrate Mixture
- Class III — Nitro-Compound
- Class IV — Chlorate Mixture
- Class V — Fulminate
- Class VI — Ammunition
- Class VII — Firework

136. When an explosive falls within the description of more than one class it shall be deemed to belong exclusively to the class with the highest number.

137. Where percentages are stated in the definition of an authorized explosive, they refer to the percentage by weight of the finished explosive.

*Class I Gunpowder Class*

138. The term "gunpowder" means the explosive ordinarily called gunpowder.

*Class II Nitrate Mixture Class*

139. (1) The term "nitrate mixture" means any preparation, other than gunpowder, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether or not the preparation contains sulphur and whether or not such preparation is mechanically mixed with any other non-explosive substance.

(2) The nitrate mixture class comprises such explosives as bobbinite, virite, lump-kol and explosives containing a perchlorate and not included in Class III, class IV or Class V.

(3) Every blasting explosive in this Class, in which Ammonium Nitrate, sodium nitrate or sodium chloride are used as ingredients, shall be contained in cartridge wrappers or cases (or in 5 lb. inner packages) made thoroughly waterproof with melted paraffin or other suitable waterproofing material.



**Canada Shipping Act—continued***Class III—Nitro-Compound Class*

140. (1) The term “nitro-compound” means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

(2) Every explosive in this class and every explosive ingredient thereof shall be so thoroughly purified and otherwise of such character as to satisfy a test known as the Heat Test.

(3) Every blasting explosive in this class in which ammonium nitrate, sodium nitrate, sodium chloride or nitro-glycol are used as ingredients, shall be contained in cartridge wrappers or cases (or in 5 lb. inner packages) made thoroughly waterproof with melted paraffin or other suitable waterproofing material.

(4) The nitro-compound class has two divisions, namely, Division 1 and Division 2.

(5) Division 1 comprises such explosives as dynamite, blasting gelatine, cordite, forcite, gelatine dynamite, gelignite, polar monobil, C-X-L-ite, blastol and any chemical compound or mechanically mixed preparation that consists either wholly or partly of nitroglycerine or of some other liquid nitro-compound.

(6) Every explosive in this Division shall be of such character and consistency as not to be liable to liquefaction or exudation.

(7) An explosive in this division which is required to be issued in waterproof inner packages may be exempted from such requirement by special authority, when and so long as the conditions of such authority are observed.

(8) The term “low Freeze nitro-glycerine” used in the definitions of explosives in this division shall mean a mixture of nitro-glycerine with nitropoly glycerine or nitro-glycol or both of them.

(9) Division 2 comprises such explosives as gun-cotton, nitro-cotton, pierates, picric acid, tonite, trinitrotoluene, and any nitro-compound that is not comprised in division 1.

*Class IV Chlorate Mixture Class*

141. (1) The term “chlorate-mixture” means any explosive containing a chlorate.

(2) Every explosive in this class, and every explosive ingredient thereof, shall be so thoroughly purified and otherwise of such character as to satisfy a test known as the Heat Test.

(3) Every blasting explosive in this class in which ammonium nitrate, sodium nitrate or sodium chloride are used as ingredient, shall be contained in cartridge wrappers or cases (or in 5 lb. inner packages) made thoroughly waterproof with melted paraffin or other suitable waterproofing material.

(4) The chlorate-mixture class has two divisions namely Division 1 and Division 2.

(5) Division 1 comprises such explosives as rack-a-rock and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

**Canada Shipping Act—continued**

(6) Every explosive in this division shall be of such character and consistency as not to be liable to liquefaction or exudation.

(7) Division 2 comprises such explosives as cheddite-properly so called, permonite, and any chlorate mixture that is not comprised in Division 1.

*Class V Fulminate Class*

142. (1) The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, that by reason of its great susceptibility to detonation is suitable for employment in percussion caps or any other appliances for developing detonation, or that by reason of its extreme sensibility to explosion and its great instability (that is to say readiness to undergo decomposition from very slight exciting causes) is especially dangerous.

(2) The fulminate class consists of two divisions, namely Division 1 and Division 2.

(3) Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter, and any mixture of a chlorate with sulphur or with sulphite, with or without carbonaceous matter.

(4) Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, lead cyanide and lead styphnate.

*Class VI Ammunition Class*

143. (1) The term "ammunition" means an explosive of any class when enclosed in a case or contrivance or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, any other weapon or blasting, or so as to form any safety or other fuse for blasting or shells or so as to form any tube for firing explosives or so as to form a percussion cap, detonator, shell, torpedo, war rocket or other contrivance other than a firework.

(2) The term "percussion cap" does not include a detonator.

(3) The term "detonator" means a capsule or case which is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

(4) The term "safety fuse" means a fuse for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with other like fuses.

(5) The term "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

(6) The ammunition class has three divisions, namely, Division 1, Division 2 and Division 3.

(7) Division 1 comprises exclusively safety cartridges, safety fuses, railway track torpedoes and percussion caps when the cap is a metal case or capsule, does not contain an anvil, has its composition protected by tin-foil or other suitable substance, contains less than 0.6 grain of a

**Canada Shipping Act—continued**

composition of Division 1 of Class V (fulminate), of which not more than 25 per centum consists of fulminate of mercury or less than 0.5 grain of any other explosive of Division 1 of Class V (fulminate), and the whole cap is of such strength and construction that the ignition of one such cap will not ignite other like caps.

(8) Division 2 comprises any ammunition that does not contain its own means of ignition, and is not included in division 1, such as cartridges and charges for cannon, shell, mines, or other like purpose, electric fuses, electric primers, mining squibs, instantaneous fuse and war rockets, if such rockets do not contain their own means of ignition.

(9) Division 3 comprises any ammunition that contains its own means of ignition, and is not included in division 1, such as, detonators, percussion caps not included in division 1, friction tubes, percussion primers, fuses for shell (such as time and percussion fuses) if such fuses do contain their own means of ignition.

(10) Ammunition containing its own means of ignition means ammunition that has an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

*Class VII Firework Class*

144. (1) The term "firework" comprises firework composition and manufactured fireworks.

(2) The firework class consists of two divisions, namely Division 1 and Division 2.

(3) Division 1 comprises firework composition, which term means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks and is not included in any other class of explosives, and also any star and any coloured fire composition not included in Division 2.

(4) Division 2 comprises manufactured fireworks, which term means an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines, rockets, serpents, shells, socket distress signals, socket light signal, sound socket signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding one pound enclosed in a substantially constructed, hermetically closed metal case.

*"Shop Goods"*

(5) The expression "shop goods" is defined in Explosives Regulations, made under the Explosives Act, as being manufactured fire-works that are not liable to explode violently and also includes firework showers, flash-light powders, fountains, golden rain, Jap torpedoes lawn lights, pin wheels, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed four inches, and mines not exceeding two pounds gross weight, but does not include rockets or salutes.

*Packing, labelling and classified list*

145. The requirements for packing of commercial explosives, and a classified list specifying stowage conditions for each item are shown in Schedule D. The labelling of commercial explosives is specified in Schedule E.



**Canada Shipping Act—continued**

**Part V**

**COMPRESSED GASES**

146. (1) This part deals with compressed gases under the following headings:

- (a) Permanent Gases—gases which remain gaseous except at very low temperatures.
- (b) Liquefied Gases—gases which remain liquid under pressure at normal temperatures.
- (c) Dissolved Gases—gases dissolved in a solvent and absorbed in a porous material.

(2) Packing and stowage requirements for each particular gas are detailed in Schedule F.

147. (1) The hazards involved in the carriage of compressed gases are:

- (a) The physical damage to the surroundings which may result from the bursting of a container.
- (b) The danger arising from the nature of the gas should it escape. A gas may possess any or a combination of these dangerous properties; it may be inflammable and form explosive mixtures with air; it may be poisonous; it may corrode metals; or it may cause self ignition of certain substances.
- (c) Some gases have no deleterious properties themselves but if present in excess will cause suffocation by reducing the proportion of oxygen in the air.

(2) Gases vary in density compared with air. Some are heavier than air and tend to remain at the bottom of the compartment while others are lighter than air and will rise and diffuse more readily.

148. (1) Compressed gases may be carried in steel cylinders, or in large welded containers, or in special containers or tanks approved by the Minister of Transport, provided the type of container, its construction, marking, maintenance and filling comply with the specifications and requirements contained in the regulations of the Board of Transport Commissioners for Canada, the Interstate Commerce Commission of the United States, or in the Report of the Departmental Committee appointed by the (British) Minister of Transport to consider existing Rules for the Carriage of Dangerous Goods and Explosives in Ships, 1952.

(2) Special consideration will be given to cylinders loaded at foreign ports which have been constructed, marked, maintained and filled in compliance with standards other than those noted herein; in order that these cylinders shall be accepted, the standards under which they have been constructed, maintained and filled shall be at least as high as standards named herein.

149. In the case of special containers for which approval of the Minister of Transport is required full particulars should be submitted including the name of the gas it is desired to transport, details of design, detailed specification of the containers and the proposed pressure or filling ratios for the nature of the voyage to be undertaken. If such containers are approved for shipment, the special conditions as to maintenance, periodical inspection and test of the containers, filling ratios and stowage conditions prescribed in the letter of approval must be complied with.



**Canada Shipping Act—continued**

150. Cylinders containing certain inflammable or poisonous gases and gases in large welded containers as indicated in Schedule F, may not be carried in passenger ships.

151. Except where specially provided for in Schedule F, not more than 12 tons of gas in large welded containers may be carried in any cargo ship without the special permission of the Minister of Transport.

152. In stowing cylinders or containers of gas the following general conditions shall be observed:

(1) The cylinders or containers should preferably be stowed under cover in well ventilated spaces and should be well secured to prevent movement; if carried on the open deck they shall be adequately secured and protected against the risk of damage in heavy weather. In either case they shall be kept from direct contact with the ship's sides or bulwarks by the interposition of dunnage or cargo of a suitable character or by other effective means.

(2) Cylinders or containers filled with certain gases specified in Schedule F shall not be stowed in a compartment containing corrosive or inflammable liquids, or if on deck, in contact with such cargo.

(3) Except where specially provided for in Schedule F, cylinders or containers containing any gas shall not be overstowed with heavy cargo; nor must they be carried in or over a hold containing coal without the special permission of the Minister of Transport.

(4) Cylinders or containers other than those containing an inert gas shall not be carried in the same compartment with any readily combustible solid or strong supporter of combustion.

(5) Cylinders or containers other than those containing an inert gas should be stowed away from living quarters as specified in Schedule F.

153. In ships carrying explosives the conditions set out in section 114 and indicated in Schedule F must be observed.

154. Empty cylinders must have their valves securely closed before being sent forward for shipment.

155. Inert gases, helium, argon, etc. carried in glass cylinders at atmospheric pressure are regarded as non-hazardous.

**Part VI****CORROSIVE SUBSTANCES**

156. (1) This part includes substances which, if leakage occurs, may, by reason of their corrosive properties, be a source of danger to the ship, to the men handling them, and to adjacent cargo. It is intended to deal with the carriage of corrosive substances in appreciable quantities; attention is drawn to the provisions of part XIV applicable to laboratory chemicals and medicinal preparations in limited quantities.

(2) Certain of the substances evolve corrosive or poisonous fumes, and in the event of damage to a container care should be taken not to breath the fumes.

(3) Tables specifying the packing and stowage requirements for corrosive substances are given in Schedule G.

**Canada Shipping Act—continued**

*Packing*

157. (1) Packing material may be required—

- (a) for protective purposes only;
- (b) for protective purposes and for the absorption of liquid in the event of breakage;
- (c) in some special instances for neutralization in the event of breakage;

(2) In most cases the packing material may be corrugated paper, sawdust, wood wool or similar material, but in certain special cases as specified in Schedule G, kieselguhr, whiting, whiting and sawdust or other approved substances must be used for packing purposes. For example, an intimate mixture of sawdust and whiting or whiting and coarse exfoliated vermiculite as specified in Schedule G has been approved in certain cases for use with nitric acid and chromic acid solution.

(3) All packages must conform to the general requirements specified in part I where applicable.

(4) When two or more containers of a diameter exceeding  $3\frac{1}{2}$  inches (90 mm.) are packed in a case, the case must contain an internal partition or partitions, with the object of maintaining the position of each container in the case.

(5) Adequate air space must be left in the containers for thermal expansion as specified in Schedule G.

(6) Where no weight or capacity limit is specified there is no restriction on the weight or capacity of packages.

*Stowage*

158. Where the stowage requirements provide that a substance is to be carried on deck only, or is prohibited in passenger ships it is nevertheless permissible to ship that substance on or under deck and in passenger ships when it is in compliance with part XIV, applicable to laboratory chemicals or medicinal preparations in limited quantities.

*Empty Containers*

159. Empty containers which have lately been used for the carriage of some corrosive substances are liable to present a hazard, and attention should be paid to the hazard attached to the corrosive substance last carried. In the case of certain substances additional hazard may arise due to the reaction of water or air with any residual material. The shipper must declare the substance last carried unless the containers are clean and dry. Care should be taken to see that all such empty containers are effectively closed.

**Part VII**

POISONOUS SUBSTANCES

160. This part includes substances which are dangerous by reason of the poisonous or deleterious effect which they have on human beings when they find their way into the body either by being breathed, by being taken through the mouth, or by absorption through the skin. Only substances whose primary danger is poisoning are included in this part. Poisonous substances which have other more dangerous characteristics are

**Canada Shipping Act—continued**

included in the parts dealing with such characteristics. The poisonous compressed gases are also excluded from this part and are located in part V.

161. Tables setting out packing and stowage requirements for poisonous substances are specified in Schedule H. This schedule covers the carriage of such substances in appreciable quantities. Attention is drawn to the provisions in part XIV applicable to laboratory chemicals and medicinal preparations in limited quantities.

162. (1) Schedule H is divided into groups as follows:

Table A which specifies substances which give off a poisonous gas or vapour. These substances are generally liquids and the danger arises primarily from breathing the gas or vapour.

Table B which specifies poisonous substances other than those giving off poisonous gases or vapours. These substances become dangerous when taken through the mouth and may be either liquids or solids.

(2) Certain substances in both groups are also dangerous if absorbed through the skin. In general the precautions required are similar for both groups.

(3) In Schedule H will be found any subsidiary hazards which may result from damage to a container.

*Packing*

163. (1) The main precautions required are to prevent leakage of the substance or its gas or vapour during the normal usage incidental to transport. In the case of liquids, an adequate air space must be allowed in the container for thermal expansion; the minimum air space required is specified in Schedule H.

(2) Packing material may be required—

(a) for protective purposes only; or

(b) for protective purposes and for the absorption of liquid in the event of breakage.

(3) The material used for packing may be corrugated paper, sawdust, or wood wool, but in special cases as specified in Schedule H kieselguhr or other approved material must be used for packing purposes. All packages must conform to the general requirements specified in Part I where applicable. When two or more containers of a diameter exceeding  $3\frac{1}{2}$  inches (90 mm.) are packed in a case, the case must contain an internal partition or partitions, with the object of maintaining the position of each container in the case.

(4) Where no limit of weight or capacity is specified in Schedule H there is no restriction on the weight or capacity of the packages.

*Stowage*

164. (1) Stowage should be performed in such a manner as to avoid all risk of contaminating food or foodstuffs.

(2) In the case of liquids giving off poisonous gas or vapour, stowage in a well ventilated space is desirable. Unless otherwise specified these substances may be carried on or under deck. Any special conditions are shown in Schedule H.



# Canada Shipping Act—continued

(3) After discharging poisonous substances the spaces used should be properly cleaned and examined before being used for other cargoes, especially food and foodstuffs.

## Empty Containers

165. Empty containers which have lately carried poisonous substances are liable to present a danger, and regard should be paid to the hazards attaching to the poisonous substance last carried.

## Part VIII

### SUBSTANCES GIVING OFF INFLAMMABLE VAPOURS

166. Schedule I gives a list of inflammable substances, as well as the packing and stowage requirements for these substances and is intended to cover the carriage of such substances in appreciable quantities. Attention is drawn to the provisions of part XIV applicable to laboratory and medicinal preparations in limited quantities.

167. (1) The regulations in this part do not apply to ships specially constructed to carry inflammable substances in bulk i.e. tankers and similar vessels.

(2) The following precautions must be observed in ships other than those specially constructed for the carriage of petroleum spirit in bulk.

Only iron or steel ships should be used. The bulkheads dividing the space or compartment allotted to this cargo from any other space should be gas-tight and without openings, and where there are bilge sluices these should be sealed effectively and remain unopened while any petroleum spirit is on board. The whole compartment (where it is possible to allot a separate hold for this class of cargo) should be as nearly as possible hermetically sealed. This is probably the safest way to carry this class of cargo, but where the petroleum spirit is only a proportion of the total cargo in a hold efficient ventilators must be provided, half of which extend to the bottom of the space and the other half should be practically flush with the deck. The short ventilators should be labelled "Outlet" or "to Leeward" and the long, "Inlet" or "to Windward". These ventilators should have large cowl heads, the openings being covered with double fine brass wire gauze.

168. This part includes substances which have a flash point not higher than 150° F. (65·6° C.) and is divided into two main classes as follows:

Class A. Substances having a flash point below 73°F. (22·8°C.) this class has been subdivided into the following:

Class A (I)—substances of flash point under 73°F. immiscible with water, and

Class A (M)—substances having a flash point under 73°F. miscible with water.

NOTE: Substances which are only partly miscible are to be regarded as immiscible.

Class B. Substances having a flash point from 73°F. (22·8°C.) to 150°F. (65·6°C.).



**Canada Shipping Act—continued***Flash Point*

169. (1) The flash point is the temperature determined by certain methods as described in subsection (2) at which a combustible liquid gives off vapour which will take fire or explode if mixed with air and exposed momentarily to a naked light.

(2) For substances having a flash point not below 66°F. (18.89°C.) but below 90° (32.2° C.) the flash point is that determined by the Abel close test; for substances having a flash point of 90° F. (32.2° C.) up to 120° F. (48.9° C.) the flash point is that determined by a modified form of the Abel close test; and for substances having a flash point above 120° F. (48.9°C.) the flash point is that determined by the Pensky-Martens apparatus. For substances having a flash point below 66°F. (18.89°C.) the apparatus used for the Abel close test can be used with certain modifications.

(3) In these regulations substances of a flash point under 73° F. (22.8°C.) are classed as "Highly Inflammable", and the figure 73°F. is the line of demarcation. In climates where the temperature of the air approaches the flash point of the substance, precautions similar to those required for substances of lower flash points become desirable.

*Marking and Declaration*

170. The nature of the goods must be distinctly marked on the outside of the package and a written declaration of their nature must be given by the shipper to the master or the owner of the ship before shipment. The declaration must state the flash point of the substance and if this is below 73°F. (22.8°C.) must also state whether the substance is miscible. When the flash point is below 0°F. the flash point may be declared as "Flash point below 0°F."

*Precautions Against Fire*

171. (1) The chief danger associated with the carriage of substances in this part is the escape of inflammable vapour. This might either form an inflammable mixture with air, leading to an explosion, or carry fire through becoming ignited by a spark or flame to the place in which the substances are stowed. It is, therefore, necessary to stow the substances well away from naked lights, fires and any source of heat. A shelter deck space must not be used for the carriage of substances with a flash point below 73°F. unless that portion of the space in which such substances are stowed is separated from the remainder of the shelter deck space by watertight steel bulkheads.

(2) Not more than 150 tons gross (or 50 per cent of the compartment space, whichever is the greater) of inflammable substances, having a flash point below 73°F., may be stowed in any one compartment unless the electric light or power cables are in conduits, or otherwise suitably protected, and no junction boxes, switches, fuses, lamp fittings or other similar appliances are within the stowage space. The 150 tons gross (or 50 per cent of the compartment space, whichever is the greater) must not be exceeded unless the power supply is disconnected from any circuit not complying with these requirements.

(3) It should be noted that inflammable substances miscible with water may, in the event of fire, be extinguished by the application of water, but this treatment is not recommended in the case of substances

# Canada Shipping Act—continued

immiscible with water. In such cases foam preparations or other methods should be used. Fire extinguishing equipment of approved type must be carried.

(4) When inflammable substances are carried on deck, measures should be taken to prevent smoking or the use of naked lights near such substances.

## Ventilation

172. The risk of fire or explosion will continue in the compartments in which these substances have been carried after the goods have been discharged until the compartment has been thoroughly cleaned and ventilated to remove any liquid or vapour that may be present. It must be emphasized that naked lights should not be used in any compartments in which such goods have been carried until the compartments have been cleared of vapour.

173. (1) In cargo ships when the total quantity of substances of a flash point under 73°F. does not exceed 25 tons gross in any one compartment, normal ventilation should be adequate.

(2) In cargo ships the total quantity of substances of a flash point under 73°F. in any one compartment may exceed 25 tons gross, but must not exceed 150 tons gross, or 50 per cent of the compartment space, whichever is the less, provided ventilation is such that half of the ventilators extend to the bottom of the space, and the other half are practically flush with the deck. The short ventilators should be marked "outlet or to leeward" and the long ventilators "inlet or to windward". The ventilators should have large cowlheads, the openings being covered with double fine wire gauze. Drainage from the stowage space to the bilges should be sealed while the inflammable liquids remain.

(3) In cargo ships the total quantity of substances of a flash point under 73°F. in any one compartment may exceed 150 tons gross of 50 per cent of the compartment space, whichever is the less, provided ejectors or gas extraction apparatus, or other effective forms of ventilation, are used to ensure adequate air circulation and expulsion of vapours which may accumulate, and provided also that drainage from the stowage space to the bilges is sealed while the inflammable liquids remain.

## Requirements for Containers

174. These substances, except when carried in bulk should be packed in hermetically sealed containers which should either be specially protected or be sufficiently strong to withstand normal usage incidental to transport. To provide for thermal expansion there should be an adequate amount of free space in the containers. Except in cases where a minimum air space is prescribed in the packing and stowage requirements (Schedule I), the minimum air space to be left in containers is to be based on the following formula:

$\% \text{ ullage} = \text{Cubical co-efficient of expansion per } ^\circ \text{C.} \times (45 - T^\circ \text{C.}) \times 100$  (T = filling temperature  $^\circ \text{C.}$ )

175. The carriage of empty containers which have contained petroleum spirit or other liquids having a low flash point, requires precautions similar to those for the carriage of the substance previously carried. To prevent the escape of vapour the screw plugs or bungs, or other means of closure, should be securely closed.

**Canada Shipping Act—continued****Part IX**

## SUBSTANCES WHICH BECOME DANGEROUS BY INTERACTION WITH WATER

176. The packing and stowage requirements for substances which become dangerous by interaction with water are given in Schedule J.

**Part X**

## STRONG SUPPORTERS OF COMBUSTION

177. The packing and stowage requirements for substances which are strong supporters of combustion are given in Schedule K.

**Part XI**

## READILY COMBUSTIBLE SOLIDS

178. The packing and stowage requirements for readily combustible solids are given in Schedule L.

**Part XII**

## SUBSTANCES LIABLE TO SPONTANEOUS COMBUSTION AND SUBSTANCES WHICH BECOME DANGEROUS BY INTERACTION WITH AIR

179. The packing and stowage requirements for substances liable to spontaneous combustion and substances which become dangerous by interaction with air are given in Schedule M.

**Part XIII**

## OTHER DANGEROUS OR HAZARDOUS SUBSTANCES

180. The packing and stowage of dangerous or hazardous substances other than those already mentioned are given in Schedule N.

**Part XIV**LABORATORY CHEMICALS OR MEDICINAL PREPARATIONS  
IN LIMITED QUANTITIES

181. This Part applies only to substances intended for use as laboratory chemicals or medicinal preparations and then only when the quantities are limited to those prescribed in this Part, but it is nevertheless permissible to ship, other than under the provisions of this Part, suitable containers containing an assortment of individual substances (one or more of which is a dangerous substance) when either—

- (a) they are intended for use other than as laboratory chemicals or medicinal preparations, or
- (b) the quantities of the dangerous substance are greater than are permitted under the provisions of this Part, provided
  - (i) the individual substances are not such as would react dangerously with each other and are selected and packed in accordance with the packing and stowage requirements of Parts VI to XIII, appropriate to each substance;



**Canada Shipping Act—continued**

- (ii) that if a container contains any substance in respect of which stowage "on deck only" is prescribed under the provisions of Parts VI to XIII, such container must be stowed on deck only, but otherwise stowage may be on or under deck;
- (iii) that containers are labelled with the labels specified in Schedule E, if any, required in respect of each substance included in the container, as indicated in the appropriate column in Parts VI to XIII;
- (iv) that no container exceeds 3 cwt. gross weight;
- (v) that such consignments tendered for shipment are accompanied by a certificate, signed by the shipper, of compliance with requirements (i) (iii) and (iv) above.

182. The restrictions and relaxations provided in this Part apply to laboratory chemicals and medicinal preparations but do not apply to toilet preparations, cosmetics, perfumery products or to substances intended for use other than as laboratory chemicals or medicinal preparations.

183. Maximum quantities permitted of laboratory chemicals and medicinal preparations to which quantity restrictions apply are given in Schedule O. Included in this Schedule are prohibitions referred to in Section 188 and form of Certificate of Compliance with the Regulations relating to the packaging of Laboratory Chemicals or Medicinal preparations in Limited Quantities.

184. Cases tendered for shipment under the provisions of this Part may contain one chemical or medicinal substance only, or a variety of such substances, provided that such substances are not prohibited by and are packed in conformity with Schedule O.

185. The substances which may be packed and carried under the provisions of this Part include substances not specifically mentioned in Schedule O provided that:

- (a) They are intended for laboratory or medicinal use only.
- (b) They are not prohibited to be carried in ships.
- (c) They conform as regards limitations of quantity to section 187.
- (d) They are packed in conformity with section 188.

186. Cases tendered for shipment under the provisions of this part may be stowed under deck. When so stowed they should where possible, have top stowage and be readily accessible for fire-fighting purposes. Inflammable liquids must not be stowed in the same space except as provided for in this part. Such cases may also be stowed on deck. If the consignment contains any inflammable liquids it should be separated from explosives by the engine room and boiler space. If inflammable liquids are not present, the stowage should be in a separate hold from that of explosives.

*Limitation of Quantity***187. (1) Solids**

Not more than 12 lbs. or 5½ kg. may be packed in any one immediate container, but where a lower limit is shown in respect of any substance that limit prevails.

**(2) Liquids**

Not more than 5 pints or 2.9 litres may be packed in any one immediate container, but where a lower limit is shown in respect of any substance that limit prevails.



**Canada Shipping Act—continued***(3) Gross weight*

The weight of any one case must not exceed 336 lbs.

*(4) Total gross weight*

The total weight of such cases which may be stowed under deck in passenger ships must not exceed 25 tons.

(5) When the material is in the form of tablets, or when it is packed in sealed containers such as ampoules or capsules, each of which contains no more than  $\frac{1}{2}$  oz. or 15 g. net, the net quantity shown in column 4 and 5 of Schedule O, may be doubled.

*Incompatibility of Substances  
Packed in One Case*

188. (1) It is possible that interior packages may contain substances liable to react dangerously and cause the following:

(a) Evolution of considerable heat or combustion.

(b) Evolution of inflammable or poisonous gas.

(c) The formation of a corrosive liquid.

(2) Substances which are liable to react dangerously must be well isolated from each other. Substances packed together in one case must be selected and packed in a manner calculated to prevent the danger of reaction of one substance with another. This can be done by the use of appropriate and effectively closed containers (glass tubes, bottles, etc.) and suitable absorbent and protective material. The prohibitions given in Schedule O must be followed closely.

*Certificate of Compliance*

189. The certificate of compliance referred to in section 179 and shown in Schedule O, shall accompany consignments tendered for shipment and be signed by the shipper.

*Labelling*

190. Cases shall have the appropriate label as required by Schedule E.

*Chlorates*

191. (1) Intermediate containers shall be surrounded by resilient non-organic material and packed in a separate intermediate container of non-organic material, distinct from the outer container. Not more than 40 oz. or 1 kg. may be packed in one intermediate container. No cotton wool or organic material other than a small waxed card wad may be in contact with the chlorate except as allowed in subsection (2).

(2) If the chlorate is in tablet form, with or without a suitable binding agent, and is packed in bottles each containing not more than 6 oz. or 170 g. of chlorate, cotton wool may be used in sufficient quantity to prevent appreciable movement of the tablets within the bottle. The bottles may be packed in cardboard cartons in a separate intermediate container distinct from the outer case. Not more than 40 oz. or 1 kg. of chlorate may be packed in one intermediate container and not more than 12 lb. of chlorate in each case.

**Canada Shipping Act—continued**

*Inflammable Liquids*

192. (1) In the case of inflammable liquids with a flash point below 73°F., not more than 10 pints may be carried in one case, except as allowed in subsection (2).

(2) When any inflammable liquid with a flash point below 73°F. consists solely of an alcohol or alcoholic solution or tincture the flash point of which is not below 60°F., such liquid may be carried under deck provided that not more than 5 pints are contained in any container, and that no case contains more than 10 gallons.

*Air Space and Packing*

193. Where air spaces or methods of packing for any substance are shown in other Parts or Schedules, they shall apply also to this Part and Schedule O, but in the case of goods shipped under the provision of this Part, the methods of packing and quantity limits shown in this Part and in Schedule O shall prevail.

194. The substances marked with an asterisk in Schedule O are not dangerous substances and are mentioned only by reason of the fact that if they come into intimate contact with certain dangerous substances listed in the "prohibitions" in Schedule O, they may intensify the degree of hazard attaching to those dangerous substances.

*Schedules*

195. Copies of any of the Schedules to these regulations will be furnished any person on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**24. Regulations re the Inspection of Classed Ships**

P.C. 1954-1812

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 410 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for inspection of classed ships, established by Order in Council P.C. 5094 of 5th November, 1948, are hereby revoked; and

2. The annexed "Regulations respecting the Inspection of Classed Ships" are hereby made and established in substitution for the regulations hereby revoked.

**Canada Shipping Act—continued**

## REGULATIONS RESPECTING THE INSPECTION OF CLASSED SHIPS

1. In these regulations,
  - (a) "Chairman" means the Chairman of the Board of Steamship Inspection;
  - (b) "classed ship" means a steamship registered in Canada which is classed with a classification society;
  - (c) "classification society" means a society or association for the classification and registry of shipping approved by the Minister of Transport;
  - (d) "classification survey" means a survey of a steamship made by a surveyor to a classification society; and
  - (e) "inspection" means inspection by a steamship inspector.
2. Subject to these regulations, where a steamship is surveyed by a surveyor to a classification society, such ship shall have the hull, equipment and machinery inspected by a steamship inspector pursuant to the provisions of section 391 of the Canada Shipping Act at least once every five years.
3. Application for acceptance of a classification survey of the hull, equipment and machinery of a steamship in lieu of annual inspection shall be made in writing by the owner of the ship, or his duly authorized representative, to the Chairman.
4. A written statement from the classification society shall be submitted stating that the steamship is in class, or recommended for retention in class, with particulars of the classification survey of the ship in support thereof.
5. Where an inspection certificate is issued in respect of a classed ship, the certificate shall be endorsed by the steamship inspector to show that the classification survey is accepted in lieu of annual inspection.
6. Where an inspection certificate issued in respect of a classed ship has been endorsed to show that a classification survey is accepted in lieu of inspection and the ship is taken out of class, the owner of the ship, or his representative, shall forthwith notify the Chairman in writing.
7. In addition to the inspection provided for by section 2, a classed ship shall be subject to annual inspection in respect of life-saving equipment, fire-extinguishing equipment and precautions against fire, and such other matters required for the issuance of an inspection certificate and not covered by a classification survey, and the steamship inspector may at any time make such inspection of the hull, equipment and machinery of the ship as he sees fit.
8. These regulations do not apply to any steamship until after the first inspection has been made of the hull, equipment and machinery of the ship.
9. These regulations do not apply to any passenger steamship carrying more than twelve passengers.
10. These regulations have full force and effect notwithstanding anything contained in any other regulations relating to the inspection of hulls, equipment, boilers and machinery of steamships made under the authority of Part VII of the Canada Shipping Act.

Canada Shipping Act—continued

25. The Tackle Regulations

P.C. 1954-1813

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 472 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the protection against accident of workers employed in loading or unloading ships, established by Order in Council P.C. 3014 of 8th July, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations for the protection against accident of workers employed in loading or unloading ships" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE PROTECTION AGAINST ACCIDENT OF WORKERS  
EMPLOYED IN LOADING OR UNLOADING SHIPS

1. These regulations may be cited as *The Tackle Regulations*.

2. In these regulations,

- (a) "dock" means any dock, wharf, quay or similar place at which the processes are carried on;
- (b) "hatch" means an opening in a deck, used for the purpose of the processes or for trimming or ventilation;
- (c) "hatchway" means the whole space within the square of the hatches, from the top deck to the bottom of the hold;
- (d) "lifting machinery" means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks, masts and decks, used in hoisting or lowering in connection with the processes;
- (e) "Minister" means the Minister of Transport;
- (f) "officer in charge" means the person, other than the master, in charge of a ship for the time being;
- (g) "prescribed" means prescribed by the Minister;
- (h) "processes" means all or any part of the work performed on shore or on board ship of loading, unloading, moving or handling goods in, on or at any port, harbour, dock or similar place at which such work is carried on, or of coaling a ship at any such place;
- (i) "pulley block" means pulley block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached;
- (j) "worker" means any person employed in the processes; and
- (k) "working place" means a place where the processes are carried on, whether on shore or on board a ship.



**Canada Shipping Act—continued****Part I**

3. (1) Except as provided in paragraph (c) of section 5 the person having the general management and control of a dock shall comply with Part II, provided that if any other person has the exclusive right to occupation of any part of the dock, and has the general management and control of such part, the duty in respect of that part of the dock shall devolve upon that other person.

(2) Except as provided in subsection (4) of section 14, the owner, master or officer in charge of a ship shall comply with Part III.

(3) The owner of lifting machinery, gear or apparatus used in the processes and, in the case of such lifting machinery, gear or apparatus carried on board a ship, not being a ship registered in Canada, the master of such ship, shall comply with Part IV.

(4) Every person who by himself, his agents or workmen carries on the processes and all agents, workmen and persons employed by him in the processes, shall comply with Part V; provided that, where the processes are carried on by a stevedore or other person other than the owner of the ship, the owner, master or officer in charge of the ship shall comply with section 42 so far as it concerns

- (a) any hatch not taken over by the said stevedore or other person for the purposes of the processes, and
- (b) any hatch which, after having been taken over by the said stevedore or other person for the purpose of the processes,
  - (i) has been reported by written notice, in the prescribed form, to the owner, master or officer in charge of the ship, by or on behalf of the said stevedore or other person, as being a hatch at which the processes have been completed, or completed for the time being, and
  - (ii) either has been left by the said stevedore or other person fenced or covered as required by section 42, or has been taken into use by or on behalf of the owner of the ship, and in either case has been so reported by such written notice;

and the owner, master or officer in charge of the ship shall give immediately a written acknowledgment, in the prescribed form, of such written notice.

**Part II**

4. Every regular approach over a dock which workers have to use for going to or from a working place and every such working place on shore, shall be maintained with due regard to the safety of the workers, and in particular, the following parts shall, as far as is practicable, having regard to the traffic and working, be adequately fenced to a height of not less than two feet six inches, and the fencing shall be maintained in good condition ready for use:

- (a) all breaks, dangerous corners and other dangerous parts or edges of a dock; and
- (b) both sides of footways over bridges, caissons and dock gates as are in general use by workers, and each side of the entrance at each end of such footway for a sufficient distance, not exceeding five yards.

**Canada Shipping Act—continued**

5. Provisions for rescue from drowning shall be made and maintained, and shall include

- (a) a supply of lifesaving appliances, kept in readiness on the dock, which shall be reasonably adequate, having regard to all the circumstances;
- (b) means at or near the surface of the water, at reasonable intervals, to enable a person immersed to support himself or escape from the water, which shall be reasonably adequate, having regard to all the circumstances; and
- (c) where a ship is loading from a boom, raft or crib, a suitable boat equipped with the necessary oars, a boat hook, and a serviceable lifebuoy having ninety feet of heaving line attached; and such boat shall be provided by the employer of the workers, and shall be kept in the water readily available as near as practicable to the place where the workers are employed.

6. All working places and any dangerous parts of the road or way over a dock forming the approach to any working place from the nearest highway, shall be efficiently lighted.

7. (1) A sufficient number of first-aid boxes or cupboards, of the prescribed standard, shall be provided at every dock and, where more than one is provided, at reasonable distances from each other.

(2) Every first-aid box or cupboard shall be marked plainly with a white cross on a red ground.

8. Nothing other than appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

9. Every first-aid box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person who shall always be readily available during working hours; such person shall, except at docks at which the total number of workers at any time does not exceed fifty, be a person trained in first-aid.

10. On every dock where more than twenty workers are employed and no suitable ambulance, approved by the Minister, is available, arrangements shall be made to obtain ambulance service from a place within reasonable distance of the dock with which telephone communication is established.

11. (1) Notices shall be exhibited in prominent positions at every dock, stating

- (a) the position of each first-aid box and the place where the person in charge thereof can be found; and
- (b) the position of the nearest telephone to be used in calling for an ambulance or, if an ambulance be provided at the dock, the location of the ambulance;

and notices shall also be exhibited at each telephone intended to be used in calling for an ambulance stating the name and the telephone number of the person from whom the ambulance may be obtained.

(2) Copies or summaries of these regulations shall be posted in prominent positions at all docks.

**Canada Shipping Act—continued****Part III**

12. (1) When a ship is lying at a dock for the purposes of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The means of access required by subsection (1) are

- (a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction; and any such appliance shall be
  - (i) not less than twenty-two inches wide,
  - (ii) properly secured, and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains, or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only, provided that the other side is protected by the ship's side,
  - (iii) constructed of suitable material, in good condition and suitable for the purpose intended, and
  - (iv) so treated as to prevent workers slipping thereon; and
- (b) in other cases a ladder which shall be of adequate strength and length and properly secured to prevent slipping.

(3) Nothing in this section shall be held to apply to cargo stages or cargo gangways if other proper means of access is provided in conformity with these regulations.

13. When a ship is alongside any other ship or vessel and the workers have to pass from one to the other, safe means of access shall be provided for their use unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance; and the means of access shall be provided by the ship which has the higher freeboard.

14. (1) When the depth from the level of the deck to the bottom of the hold exceeds five feet, there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Except as provided in subsection (3) the means of access required by subsection (1) shall be furnished by ladder, and by ladder cleats or cups on the coamings; and

- (a) ladders between the lower decks shall be in the same line as the ladder from the top deck if practicable, having regard to the position of the lower hatch or hatches;
- (b) ladders shall provide a foothold of a depth, including any space behind the ladder, of not less than four and one-half inches for a width of ten inches, and a firm handhold;
- (c) cleats or cups provided on coamings
  - (i) shall provide a foothold of a depth, including any space behind the cleats or cups, of not less than four and one-half inches for a width of ten inches, and a firm handhold,
  - (ii) shall be so constructed as to prevent the foot of a worker slipping therefrom; and
  - (iii) shall be placed vertically one above the other, and in the same line as the ladders to which they give access;



**Canada Shipping Act—continued**

- (d) ladders, cleats and cups shall be properly secured;
- (e) there shall be room to pass between any winch or other obstruction and the coamings at the place where the ladder leaves the deck; and
- (f) no ladder shall be recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway;
- (3) The means of access required by subsection (1) may be furnished
  - (a) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups installed in accordance with the requirements of subsection (2), or
  - (b) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps meet the requirements of subparagraphs (b), (d) and (e) of subsection (2).

(4) When a ladder is to be used in the hold of a vessel that is not decked the employer of the workers shall provide the ladder and it shall be equipped at the top with hooks or other means for firmly securing it.

(5) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

15. When the processes are being carried on,
- (a) the working places in the holds and on the decks,
  - (b) the means of access provided in pursuance of sections 12 and 13, and
  - (c) all parts of the ship to which workers may be required to proceed in the course of their employment,

shall be adequately lighted, due regard being had to the safety of the ship and cargo, and of all workers, but not so as to interfere with the navigation of other vessels.

16. All fore and aft beams and thwartship beams used for hatch coverings shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

17. (1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein, but this requirement does not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.

(2) The requirements of subsection (1) apply to fore and aft beams and to thwartship beams as well as to hatch coverings.

18. All fore and aft beams and thwartship beams used for hatch coverings and all hatch coverings shall be maintained in good condition.

19. Adequate hand grips shall be provided on all hatch coverings, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is such as to render the provision of hand grips unnecessary.

20. Where the working space around a hatch is less than two feet wide, provision shall be made to enable workers to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.



**Canada Shipping Act—continued****Part IV**

21. (1) All lifting machinery shall be tested and examined by a competent person in the manner set out in the Schedule hereto before being used.

(2) All derricks and permanent attachments, including bridle chains, to the derrick, mast and deck, used in hoisting or lowering, shall be inspected by a competent person once in every twelve months, and be thoroughly examined by a competent person once at least in every four years, and all other lifting machinery shall be thoroughly examined by a competent person once at least in every twelve months.

(3) For the purposes of subsection (2) and of subsections (5) and (6) of section 22, thorough examination means a visual examination, supplemented, where necessary, by other means such as a hammer test, carried out as carefully as conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; if necessary for the purpose, parts of the machines or gear shall be dismantled.

22. (1) All chains, rings, hooks, shackles, swivels and pulley blocks used in hoisting or lowering shall be tested and examined by a competent person in the manner set out in the Schedule hereto before being used.

(2) Subject to subsections (4) and (5), all chains other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels made of wrought iron used in hoisting or lowering shall be effectively annealed in the manner set out in the Schedule hereto under the supervision of a competent person, at the following intervals:

- (a) half inch and smaller chains, rings, hooks, shackles and swivels in general use, once at least in every six months; and
- (b) all other chains, rings, hooks, shackles and swivels in general use, once at least in every twelve months;

provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, the intervals shall be twelve months and two years, respectively.

(3) For the purposes of subsection (2) the expression "in general use" means used on fifty-two or more occasions in a year at the rate of once at least each week.

(4) Where the Chairman of the Board of Steamship Inspection is of opinion that, owing to the size, design, material or infrequency of use of any gear or class of gear, the requirements of subsection (2) as to annealing is not necessary for the protection of workers, he may, by certificate in writing, exempt such gear or class of gear from such requirements subject to such conditions as he thinks fit.

(5) The following classes of special gear are exempted from the requirements of annealing, subject to the condition that such gear shall be thoroughly examined by a competent person once at least in every twelve months:

- (a) plate ink chains;
- (b) pitched chains;
- (c) rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (d) hooks and swivels having screw-threaded parts, ball bearings or other case-hardened parts; and
- (e) Bordeaux connections.

**Canada Shipping Act—continued**

(6) Chains made of malleable cast iron, and chains, rings, hooks, shackles and swivels made of steel, shall be thoroughly examined by a competent person once at least in every twelve months.

(7) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles, swivels and pulley blocks shall be inspected by a competent person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(8) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall, before being used, be adequately tested and re-examined by a competent person in accordance with the provisions of paragraphs 4 and 5 of the Schedule hereto.

23. (1) No rope shall be used in hoisting or lowering unless

(a) it is of suitable quality and free from patent defect, and

(b) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in the Schedule hereto before being used.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months, provided that after any wire in such rope has broken it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if, in any length of eight diameters the total number of visible broken wires exceeds ten per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) Every thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wires cut out of each strand, the strands in all cases being tucked against the lay of the rope; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that herein prescribed.

(5) Each wire rope used for hoisting or lowering shall be in one continuous piece.

24. The safety factors which shall be adopted with respect to the manufacture of lifting machinery, chains, rings, hooks, shackles or swivels, wire rope and fibre rope, are set out in the Schedule hereto.

25. (1) A register shall be kept in the prescribed form giving the prescribed particulars in respect of

(a) the inspections and thorough examinations required by subsection (2) of section 21;

(b) the thorough examinations required by subsections (5) and (6) of section 22, unless separate certificates in respect of such examinations have been given; and

(c) the annealing required by subsection (2) of section 22, unless separate certificates in respect of such annealing have been provided.

**Canada Shipping Act—continued**

(2) Certificates in the prescribed form and containing the prescribed particulars in respect of

- (a) the testing and examinations required by subsection (1) of section 21, subsections (1) and (8) of section 22 and paragraph (b) of subsection (1) of section 23,
- (b) the thorough examinations required by subsections (5) and (6) of section 22, unless the prescribed particulars have been entered in the register, and
- (c) the annealing required by subsection (2) of section 22, unless the prescribed particulars have been entered in the register.

(3) The certificates shall be signed by the competent person who has conducted the testing and examination, or supervised the annealing, as the case may be, and shall be attached to the register.

(4) The register shall, if it refers to lifting machinery, chain, rope or other gear forming part of the equipment of a ship, be kept aboard the ship; if it refers to chain, rope or other gear not forming part of the equipment of a ship it shall be kept on the premises of the owner.

(5) Adequate means shall be provided to enable a person examining the register, or any certificate attached thereto, to identify any lifting machinery, chain, rope or other gear.

26. The owner, master or officer in charge of a ship shall report any alteration in the lifting machinery, chain or other gear used in the processes, forming part of the equipment of the ship, to any person, competent under section 65, examining the register.

27. (1) For the purposes of subsection (1) of section 21, subsections (1) and (8) of section 22, and paragraph (b) of subsection (1) of section 23, "competent person" means,

- (a) a steamship inspector, an inspector of ships' tackle or a surveyor employed by one of the following classification societies, namely, Lloyd's Register of Shipping or the Bureau Veritas;
- (b) for tests required in the United States, a surveyor employed by the American Bureau of Shipping; or
- (c) a responsible person having the necessary and appropriate technical qualifications who is employed by a company or firm engaged in the building or repairing of ships, in the making or repairing of chains, hooks or like gear, or in the making of wire rope.

(2) For the purposes of subsections (1) and (8) of section 22 and of paragraph (b) of subsection (1) of section 23, "competent person" includes the supervisor of any testing laboratory of the Government of Canada or of any province, and any other person, company, firm or association approved by the Board of Steamship Inspection.

(3) For the purposes of subsection (2) of section 22, "competent person" means

- (a) a steamship inspector, a surveyor employed by one of the following classification societies, namely, Lloyd's Register of Shipping or the Bureau Veritas;
- (b) where such work is done in the United States, a surveyor employed by the American Bureau of Shipping; or



**Canada Shipping Act—continued**

- (c) an engineer officer of a ship or a responsible person having the necessary and appropriate technical qualifications who is employed by a company or firm engaged in the annealing of chains, hooks or like gear, or any other person approved by the Board of Steamship Inspection.

28. Every derrick or crane shall have the safe working load plainly marked upon it; where one safe working load only is marked on a derrick or crane, it shall be the safe working load with single purchase only, and where two safe working loads are marked, the first shall be the figure with single purchase, and the second the figure with double purchase; in each case the safe working load shall be that at the lowest inclination of the boom; if the load can only be lifted with safety at an angle greater than fifteen degrees to the horizontal, the lowest permissible angle of the boom shall also be marked.

29. No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

30. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used, as follows:

- (a) for chain slings, such means shall consist of marking the safe working load in plain figures or letters on the sling or on a tablet or ring of durable material attached securely thereto; and
- (b) for wire rope slings, such means shall consist either of the means specified in paragraph (a) or a notice or notices, so exhibited as to be easily read by any person concerned, stating the safe working loads for the various sizes of wire rope slings used.

31. All motors, cog wheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall, unless it can be shown that by their position and construction they are equally as safe as if securely fenced, be securely fenced so far as is practicable without impeding the safe working of the ship.

32. All cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered; in particular, the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

33. Appropriate measures shall be taken to prevent exhaust steam from, and, so far as is practicable, live steam to, any crane or winch obscuring any part of the decks, gangways, stages or docks where any person is employed in the processes.

34. Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

35. Any ship which is registered elsewhere than in Canada shall be deemed to have complied with the provisions of this Part in respect of testing, examination or annealing, as the case may be, if such testing, examination or annealing has been carried out under the regulations of the country in which the ship is registered, and any register or certificate showing the tests, examination or annealing which has been carried out in respect of any lifting machinery, chain, rope or gear used in the pro-



**Canada Shipping Act—continued**

cesses, forming part of the equipment of the ship, may be accepted in lieu of any register or certificate prescribed by these regulations, provided that the ship is registered in a country, the government of which has entered into a reciprocal agreement with the Government of Canada for the mutual recognition of the arrangements made in their respective countries for testing, examining and annealing of lifting machinery, chains, rope or gear used in the processes, and for the mutual acceptance of certificates and records relating thereto.

**Part V**

36. Precautions shall be taken to facilitate the escape of workers when employed in a hold or on 'tween decks in the handling of coal or other bulk cargo.

37. (1) No lifting machinery, chain or other lifting appliance shall be loaded beyond the safe working load.

(2) No load shall be left suspended from a crane, winch or other machine unless there is a competent person actually in charge of the machine while the load is so left.

38. No person under sixteen years of age and no person who is not a competent and reliable person shall be employed as driver of a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend to cargo falls on winch-ends or winch-bodies.

39. Where goods are placed on a dock,

(a) a clear passage leading to the means of access to the ship required by section 12 shall be maintained on the dock; and

(b) if any space is left along the edge of the dock, it shall be at least three feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

40. (1) The deck in the vicinity of a hatch that is in use shall be kept clear of cargo or anything which might prevent free passage to the means of access required under section 14.

(2) Cargo shall be stowed in the holds clear of the ladders required in section 14 so as to leave at each rung of the ladder, foothold of a depth, including any space behind the ladder, of not less than four and one-half inches for a width of ten inches, and a firm handhold.

41. (1) No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported and, where necessary, securely fastened.

(2) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

(3) Any stage which is slippery shall be made safe by the use of sand or otherwise.

42. (1) While workers are on a ship for purposes of the processes any hatch of a hold accessible to them exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, which is not in use for the passage of goods, coal, or other material or for trimming, and the coamings of which are less than two feet six inches in height, shall be fenced to a height of three feet or securely

**Canada Shipping Act—continued**

covered; but this requirement does not apply during mealtimes or other short interruptions of work unless it is manifest that a dangerous condition exists.

(2) Similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to workers.

43. (1) Hatch coverings shall not be used in the construction of deck or cargo stages or for any other purpose which may expose them to damage.

(2) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon in pursuance of section 17.

(3) When hatch coverings are taken off they shall be piled clear of the coamings of the hatches, and in no case shall hatch coverings or anything else be piled where loads may be dragged over them.

44. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it, but this regulation does not apply to any work in connection with the processes, the whole of which will be completed within a period of half an hour.

45. (1) When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, nor shall cant hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(2) Nothing in this section applies to breaking out or making up slings.

46. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

47. Where stacking, unstacking, stowing or unstowing of cargo, or handling in connection therewith cannot be safely carried out, reasonable measures shall be taken to guard against accident by shoring or otherwise.

48. The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement.

49. Where wire rope is used for hauling heavy articles into place adequate provision shall be made for the protection of the rope where passing around corners.

50. Chains shall not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links coming into contact with sharp edges of loads of hard material.

51. Pins in shackles shall be suitably secured to prevent backing out.

52. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller or hatch tender shall be employed, and where more than one fall is being worked at a hatchway, a separate signaller or hatch tender shall be employed to attend to each fall; provided that:

(a) the requirements of this section shall not apply in cases where a barge, lighter, or other similar vessel is being loaded or unloaded

**Canada Shipping Act—continued**

if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where the work is being carried on; and

- (b) where the Chairman of the Board of Steamship Inspection is of opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this section are not necessary for the safety of the workers, he may by certificate in writing, (which he may in his discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

53. (1) Where at hatch leading to a hold more than five feet in depth, measured from the top of the deck, is not fitted with a permanent hatch coaming of sufficient height for the protection of the signaller or hatch tender, a temporary structure sufficient to give the protection required shall be erected.

(2) Adequate protection shall be provided for a signaller or hatch tender when he is required to stand on a staging or gangway elevated above the level of the deck, and where the work in which such worker is engaged involves the hoisting of cargo on an inclined gangway; such protection shall include means of escape in the event of the hoisting rope breaking or the cargo being hoisted getting out of control in any other way.

54. When any worker has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport; a vessel used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

**Part VI**

55. No person shall, unless duly authorized or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life saving means or appliance, lights, marks, stages or other things whatsoever required by these regulations to be provided; if removed, such things shall be restored at the end of the period during which their removal was necessary by the person last engaged in the work that necessitated such removal.

56. The fencing required by section 4 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing; if removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

57. Every worker shall use the means of access provided in accordance with sections 12, 13 and 14 and no person shall authorize or order another to use any other means of access.

58. No person shall go upon the fore and aft beams or thwartship beams used for hatch covering for the purpose of adjusting the gear for lifting them on or off, nor shall any person authorize or order another to do so.



**Canada Shipping Act—continued**

**Part VII**

59. No employer shall require workers to work in holds or other spaces in a ship which have been fumigated until a certificate is produced from the fumigating officer showing that the holds or other spaces may be entered without risk.

60. No employer shall require workers to work in holds with the hatches off whilst other work, or loading or unloading, is proceeding above, unless conditions are such that they are not liable to injury from any object falling from an upper deck.

61. No employer shall allow machinery or gear which does not comply with Part IV to be used by workers.

62. (1) No employer shall require workers to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason of their inherent nature or of their condition at the time, unless all precautions have been taken to safeguard the workers, and advise them of the conditions existing.

(2) The provisions of subsection (1) apply in respect of any place where dangerous goods have been stowed if the fact that such goods have been stowed in that place constitutes a risk to workers.

63. If the persons whose duty it is to comply with sections 12, 13 and 15 fail so to do, the employers of the workers, for whose use the means of access and lights are required, shall comply with the requirements of the said sections within the shortest time reasonably practicable after such failure.

64. An employer shall report any case of serious accident to workers as soon as possible after the occurrence thereof; the report shall be made to the inspector of ships' tackle at the port where the accident happened, or if it happens at a port where there is no inspector of ships' tackle, to the Chairman of the Board of Steamship Inspection; and the report shall set out in detail all the circumstances surrounding the accident.

65. (1) The register required under the provisions of section 25 shall be produced on demand of an inspector of ships' tackle, a steamship inspector or other person authorized by the Minister, by the owner, master or officer in charge of the ship or, in the case of gear not forming part of the equipment of a ship, by the owner thereof, or his representative.

(2) If the register is not produced on demand, the person making demand may, if he deems that the circumstances warrant it, order that any lifting machinery, chain, rope or other gear shall not be used in the processes until the register is produced, or the lifting machinery, chain, rope or gear is tested, inspected or annealed, as the case may be.

**Part VIII**

66. These regulations do not apply to

- (a) ships which are propelled by mechanical power and which are not in excess of 150 tons, gross tonnage,
- (b) ships while employed in fishing,
- (c) ships not in excess of 500 tons, gross tonnage, and which are not propelled by mechanical power or employed in fishing, or



Canada Shipping Act—continued

- (d) any ship, where on account of the small quantity of cargo handled at any one time it is not necessary to employ more than ten workers in the processes and the weight hoisted at any one time does not exceed 1,000 pounds.
- 67. Notwithstanding anything hereinbefore contained,
  - (a) the provisions of section 4 respecting the height of fencing do not apply in respect of any such fencing which was erected on or before the 21st day of January, 1939, provided that the height of such fence is no less than two feet three inches, and the fencing is maintained in good condition;
  - (b) the provisions of paragraph (a) of subsection (2) of section 12 in respect of the height of fencing on a ship's accommodation ladder, a gangway, or similar construction which was in use on the 21st day of January, 1939, do not apply until the fencing is renewed, provided that the clear height of such fencing is at least two feet eight inches;
  - (c) the provisions of paragraphs (b) and (c) of subsection (2) of section 14 respecting the measurements of footholds do not apply in respect of a ship the keel of which was laid before the 21st day of January, 1939, if the actual measurements are not less than ninety per cent of the measurements specified in paragraphs (b) and (c) of subsection (2) of section 14, until such ladders or arrangements on the coamings are renewed.
- 68. Any matter in dispute arising under these regulations may be referred to the Minister, whose decision shall be final.

Schedule

TESTS AND PROOF LOADS

1. (1) Every winch with the whole of the gear accessory thereto (including derricks, goose-necks, eye plates, eye bolts or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

<i>Safe working load</i>	<i>Proof load</i>
Up to 20 tons.....	25 per cent in excess
20-50 tons .....	5 tons in excess
Over 50 tons.....	10 per cent in excess

- (2) The proof load shall be lifted with the ship's normal tackle with the derrick at an angle, which should not be more than fifteen degrees from the horizontal or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made should be stated in the certificate of test. After the proof load has been lifted, it should be swung as far as possible in both directions.
- (3) As a general rule, all tests should be carried out in this way by dead load, and no exception should be allowed in the case of gear on new ships. In the case of replacements or renewals, however, spring or hydraulic balances may be used where dead loads are not available. Where a spring or hydraulic balance is used it should be reliable and accurate, and the test should not be regarded as satisfactory unless the indicator remains constant for a period of at least five minutes.

**Canada Shipping Act—continued**

2. (1) Every crane and other hoisting machine, with its accessory gear, shall be tested with a proof load, which shall exceed the safe working load as follows:

<i>Safe working load</i>	<i>Proof load</i>
Up to 20 tons.....	25 per cent in excess
20-50 tons .....	5 tons in excess
Over 50 tons.....	10 per cent in excess

(2) The proof load shall be lifted and swung as far as possible in both directions. If the jib of the crane has a variable radius, it should be tested with a proof load, as defined above, at the maximum and minimum radii of the jib. In hydraulic cranes where, owing to the limitation of pressure, it is impossible to lift a load twenty-five per cent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

3. Wire ropes shall be tested by sample, a piece being tested to destruction, and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

4. Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

<i>Article of Gear</i>	<i>Proof Load</i>
Chain, ring, hook, shackle or—100	per cent in excess of the safe
swivel	working load.
Pulley blocks—	—300
Single sheave block	per cent in excess of the safe
	working load.
Multiple sheave block with—100	per cent in excess of the safe
safe load up to and includ-	working load.
ing twenty tons	
Multiple sheave block with— 20	tons in excess of the safe
safe load over twenty tons	working load.
up to and including forty	
tons	
Multiple sheave block with— 50	per cent in excess of the safe
safe load over forty tons	working load.
Pitched chains used with hand— 50	per cent in excess of the safe
operated pulley blocks and	working load.
rings, hooks, shackles or	
swivels permanently attached	
thereto	
Hand-operated pulley blocks— 50	per cent in excess of the safe
used with pitched chains and	working load.
rings, hooks, shackles or	
swivels permanently attached	
thereto	

5. After being tested as aforesaid, all lifting machinery, with the whole of the gear accessory thereto, and all chains, rings, hooks, shackles, pulley blocks or other loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see whether any part has been injured or permanently deformed by the test.

**Canada Shipping Act—continued**

6. In this Schedule the word “ton” means a ton of 2,240 pounds.

*Safety factors*

7. (1) For all metal structural parts used in lifting machinery,	
when the safe working load is ten tons or less.....	5
when the safe working load is over ten tons.....	4
For wooden structural parts used in lifting machinery	8
For chains .....	4½
For wire rope .....	5
For fibre rope .....	7

(2) Where the Board of Steamship Inspection is satisfied that the safety factors recommended by any national standards association or similar body are sufficient, such factors may be used.

*Annealing*

8. (1) In all cases annealing shall be carried out in a suitably constructed closed furnace, and not in an open fire.

(2) For wrought-iron gear the temperature shall be between 1100°F. and 1300°F., and the exposure shall last for from thirty to sixty minutes.

(3) Should new steel gear be annealed the temperature shall be that generally employed for normalizing, i.e., not less than 1650°F.

(4) After being annealed the gear shall be allowed to cool slowly and shall be carefully inspected.

**26. First-Aid Boxes and Cupboards**

I hereby prescribe that the first-aid boxes or cupboards required by section 7 of the Tackle Regulations, made under section 472 of the Canada Shipping Act, to be provided on docks, wharves or quays, shall comply with the following standard:

1. Each first-aid box or cupboard shall contain at least
  - (a) A first-aid kit, in a metal box with handle commonly used for such purpose, consisting of the following:
    - 4 ounces burn dressing
    - 12 bandages, of 2-inch gauze
    - 12 bandages, of 3-inch gauze
    - 2 packages absorbent cotton—1 ounce packages
    - 4 packages gauze—1 yard packages
    - 1 spool adhesive tape, 1 inch in width
    - 6 bandages, triangular
    - 1 tourniquet
    - 1 pair scissors, small
    - 1 card safety pins
    - 2 ounces tincture of iodine—1 ounce bottles
    - 2 ounces aromatic spirits of ammonia—2 ounce bottles
    - 1 tube boric ointment, ophthalmic
    - 24 wooden applicators
    - 24 tongue blades, wooden
    - 1 recognized first-aid booklet, and
  - (b) 1 dozen wooden splints, size 18 inches by 3½ inches.

**Canada Shipping Act—continued**

2. All materials for dressings contained in first-aid boxes or cupboards shall be of a grade at least equal to the standards prescribed by the British Pharmaceutical Codex or any supplement thereto.

GEORGE C. MARLER,  
*Minister of Transport.*

November 23, 1954.

**27. Regulations re watertight doors and other appliances**

P.C. 1954-1814

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 453 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting watertight doors and other appliances, established by Order in Council P.C. 1791 of 7th July, 1939, are hereby revoked; and

2. The annexed "Regulations respecting Watertight Doors and Other Appliances" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING WATERTIGHT DOORS AND OTHER APPLIANCES**

1. These regulations may be cited as the *Regulations respecting Watertight Doors and Other Appliances*.

2. In these regulations,

(a) "bulkhead deck" means the uppermost deck to which the transverse watertight bulkheads are carried; and

(b) "margin line" means a line drawn parallel to the bulkhead deck at the side line, and three inches below the upper surface of that deck at the side, provided that in the case of a ship not having a continuous bulkhead deck the margin line is an assumed line up to which, having regard to sinkage and trim after flooding, the sides of the ship and the bulkheads are watertight.

3. These regulations apply to every steamship certified to carry more than twelve passengers.

4. (1) The following appliances shall be securely closed so as to be watertight before the steamship proceeds to sea, and shall be kept closed while the steamship is at sea:

(a) hinged watertight doors below the margin line which are fitted in main transverse bulkheads dividing cargo between deck spaces;



**Canada Shipping Act—continued**

- (b) side scuttles in any between deck space wherein the sill of any side scuttle that can be opened is below a line drawn on the side of the steamship parallel to the bulkhead deck and having its lowest point four and a half feet, in addition to two and a half per cent of the breadth of the steamship, above the water at the time when the ship proceeds to sea;
- (c) side scuttles below the margin line that are not accessible while the steamship is at sea, together with their dead-lights; and
- (d) gangway, cargo and coaling ports below the margin line;

provided that in fair weather in tropical waters the requirements of paragraph (b) shall have effect as if "three and a half feet" were substituted for "four and a half feet".

(2) For the purposes of this section an appliance shall be deemed to be below the margin line if the sill thereof is below that line, and a side scuttle mentioned in paragraph (b) of subsection (1) shall not be deemed to be closed unless it is locked.

5. Every watertight door fitted in a main transverse bulkhead, not being a door mentioned in paragraph (a) of section 4 shall be kept closed while the ship is at sea, except so far as it is necessary to open it for the working of the ship, and when open shall be kept ready to be closed forthwith.

6. Every portable plate closing an opening in a bulkhead, being an opening which is wholly or partly below the margin line, shall be in place before the ship proceeds to sea; no such plate shall be removed at sea except in case of urgent necessity and in replacing any such plate all reasonable precautions shall be taken to ensure that the joints are watertight.

7. The cover and valve of every ash chute, rubbish chute or other similar appliance, having its inboard opening below the margin line, shall be kept securely closed when the appliance is not in use.

8. The opening and closing of all watertight doors and other appliances mentioned in paragraphs (a), (b) and (c) of section 4, and sections 5 and 7, and the operation of the closing mechanism of all scuppers having their inboard opening below the margin line, shall be practised once a week, and also before the ship proceeds to sea on any voyage that is likely to last more than a week; provided that, while the ship is at sea,

- (a) the opening and closing of all such watertight doors which are in use and are hinged or operated by power shall be practised daily, and
- (b) nothing in this section shall be taken to authorize the opening of any watertight door or other appliance which is required by section 4 to be kept closed.

9. Every valve, the closing of which is necessary to make any compartment watertight, and every watertight door in a main transverse bulkhead, and the mechanism and indicators connected therewith, shall be inspected at least once a week.

**Canada Shipping Act—continued**

10. (1) A record shall be entered in the official logbook or, where the ship is not required to be provided with an official logbook, a permanent record shall be kept of

- (a) the time of opening and closing of every watertight door operated by power which is fitted between bunkers in the between decks below the bulkhead deck, every such portable plate mentioned in section 6, and every watertight door and other appliance mentioned in section 4;
- (b) every occasion on which the opening and closing of watertight doors and other appliances is practised on board the ship in pursuance of these regulations; and
- (c) every occasion on which watertight doors and other appliances have been inspected in pursuance of these regulations.

(2) The record required by subsection (1) shall be produced on demand of a Steamship Inspector or other person thereto authorized by the Minister.

11. (1) Appropriate notices shall be posted in the chart room of every steamship, stating that the appliances described in section 4 are required to be closed before the ship proceeds to sea and to be kept closed while the ship is at sea; in the case of appliances closing openings in watertight bulkheads, such notices shall also be posted at the appliances on each side of the bulkhead, and in the case of side scuttles, such notices, properly placed, shall also be posted in the spaces within which the side scuttles are situated.

(2) Appropriate notices shall be posted in the chart room of every ship, stating that the watertight doors described in section 5 are required to be kept closed while the ship is at sea, except so far as is necessary to open them for the working of the ship, and similar notices shall be posted at the doors on each side of the bulkhead.

(3) Appropriate notices shall be posted in the chart room of every ship, stating that portable plates, as described in section 6, are required to be in place before the ship proceeds to sea, and are not to be removed at sea except in case of urgent necessity, and similar notices shall also be posted at such openings on each side of the bulkhead.

(4) Appropriate notices shall be posted at every ash chute, rubbish chute and similar appliance having its inboard opening below the margin line, stating that such appliance is required to be securely closed when not in use.

**23. Regulations *re* lifesaving appliances**

P.C. 1954-1815

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 410 of the Canada Shipping Act, is pleased to order as follows:

**Canada Shipping Act—continued**

1. The Regulations respecting life saving appliances, established by Order in Council P.C. 3 of 6th January, 1937, are hereby revoked; and

2. The annexed "Regulations respecting Life Saving Appliances" are hereby made and established in substitution for the regulations hereby revoked.

## REGULATIONS RESPECTING LIFE SAVING APPLIANCES

*Interpretation*

1. In these regulations,

- (a) "approved" means approved by the Board of Steamship Inspection;
- (b) "length" as applied to a ship means registered length;
- (c) "life saving appliances" includes life saving equipment;
- (d) "number of persons that the ship is certified to carry" means the number of passengers allowed by the certificate of inspection issued in respect of a ship with, added thereto, the number of persons comprising the crew; and
- (e) "person" means a person over the age of one year.

*Classification of Ships*

2. For the purposes of these regulations, ships are classified as follows:

Class I—Steamships that are certified to carry more than twelve passengers on foreign voyages;

Class II—Steamships that are certified to carry more than twelve passengers on home-trade voyages, Class I;

Class III—Steamships that are certified to carry passengers on home-trade voyages, Class II;

Class IV—Steamships that are certified to carry passengers on home-trade voyages, Class III;

Class V—Steamships that are certified to carry passengers on home-trade voyages, Class IV;

Class VI—Steamships that are certified to carry not more than twelve passengers on foreign voyages or on home-trade voyages, Class I, and foreign-going steamships or home-trade steamships, Class I, in excess of 5 tons, gross tonnage, not certified to carry passengers;

Class VII—Home-trade steamships, Class II, home-trade steamships, Class III, and home-trade steamships, Class IV, in excess of 5 tons, gross tonnage, that are not certified to carry passengers;

Class VIII—Steamships that are certified to carry passengers on inland voyages, Class I;

Class IX—Steamships that are certified to carry passengers on inland voyages, Class II, or minor waters voyages, Class I;

Class X—Steamships that are certified to carry passengers on minor waters voyages, Class II;

Class XI—Inland steamships and minor waters steamships, in excess of 5 tons, gross tonnage, that are not certified to carry passengers;

**Canada Shipping Act—continued**

Class XII—Steamships not in excess of 5 tons gross tonnage, and power-driven pleasure yachts of any tonnage;

Class XIII—Barges, scows and like vessels that are certified to carry passengers, and are towed by a steamship or are operated on a cable and are not moved by sails or oars; and

Class XIV—Dredges, rock drills, floating elevators, floating pile drivers or like ships or vessels that are not self-propelled.

PROVISION OF LIFE SAVING APPLIANCES

*Availability and Adequacy of Boats, Life Rafts  
and Buoyant Apparatus*

3. (1) The boats, life rafts and buoyant apparatus in a ship shall be readily available in case of emergency and shall be adequate.

(2) The following conditions apply to all boats, life rafts and buoyant apparatus:

- (a) It must be possible to place them into the water safely and rapidly even under unfavourable conditions of list and trim;
- (b) It must be possible to embark the passengers in the boats rapidly and in good order; and
- (c) The arrangement of each boat, life raft and article of buoyant apparatus must be such that it will not interfere with the operation of other boats, life rafts or buoyant apparatus.

(3) To ensure that they are adequate, the provision of boats, life rafts and buoyant apparatus shall be in accordance with the requirements of such of the following regulations, 4 to 17, as are applicable.

CLASS I SHIPS

*Steamships that are Certified to Carry more than Twelve  
Passengers on Foreign Voyages*

4. (1) Every ship to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in column A of the table set out in Schedule A; but no ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved lifeboat of Class I shall be attached to each set of davits and the Board may require that one of such lifeboats on each side of the ship shall be of such size and so arranged as to be, in their opinion, suitable for use as an emergency lifeboat.

(3) Any additional lifeboats necessary to make up the total lifeboat accommodation required by subsection (4) shall be approved lifeboats of Class 1 or Class 2.

(4) Where the lifeboats carried pursuant to subsection (2) do not furnish sufficient accommodation for the number of persons that the ship is certified to carry, provision shall be made, to the satisfaction of the Board, to carry such additional approved lifeboats as are required to make up the deficiency in such accommodation.



**Canada Shipping Act—continued**

(5) Subject to the provisions of section 34 such additional lifeboats shall be distributed as follows:

- (a) one additional lifeboat shall be stowed under each set of davits, and
- (b) the remaining lifeboats shall be carried inboard.

(6) Notwithstanding the requirements of subsection (4), the Board may, if they are of opinion that life rafts will be more readily available and otherwise more satisfactory in a case of emergency than the additional lifeboats specified in paragraph (b) of subsection (5), allow approved life rafts to be carried in lieu of any such lifeboats with sufficient accommodation for those persons for whom accommodation is not provided in lifeboats, provided that in any case the total capacity of the lifeboats on the ship shall be at least equal to the minimum cubic capacity specified in column C of the tables set out in Schedule A.

(7) Where there is in force, in respect of any ship to which this regulation applies, a memorandum issued under section 396 of the Canada Shipping Act (which relates to the modification of safety certificates as respects life saving appliances), the number of persons stated in the memorandum shall, for the purposes of this section, be treated as the number of persons that the ship is certified to carry.

(8) Where the number of lifeboats carried in pursuance of this section is more than thirteen, one such lifeboat shall be an approved motor lifeboat fitted with an approved wireless telegraphy installation and searchlight and, where the number is more than nineteen, two such lifeboats shall be approved motor lifeboats so fitted.

(9) Subject to the provisions of subsection (2) respecting emergency lifeboats, any of the other lifeboats may be approved motor lifeboats, but such additional motor lifeboats need not be fitted with wireless telegraphy installations or searchlights.

(10) Every ship to which this section applies shall, in addition to the lifeboats and life rafts carried pursuant to this section, carry approved buoyant apparatus sufficient to support twenty-five per cent of the number of persons that the ship is certified to carry.

(11) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined in accordance with the following table:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 200 feet .....	8
200 feet and under 400 feet.....	12
400 feet and under 600 feet.....	18
600 feet and under 800 feet.....	24
800 feet and over.....	30

(12) Every ship to which this section applies shall carry such number of approved lifejackets as shall be not less than the number of persons that the ship is certified to carry.

(13) Every ship to which this regulation applies shall carry an approved type of line-throwing appliance.

Canada Shipping Act—continued

CLASS II SHIPS

*Steamships that are Certified to Carry more than Twelve  
Passengers on Home-trade Voyages, Class I*

5. The provisions of section 4 apply to every ship of Class II except that the buoyant apparatus required to be provided under the provisions of subsection (10) of section 4 need only be sufficient to support ten per cent of the number of persons that the ship is certified to carry.

CLASS III SHIPS

*Steamships that are Certified to Carry Passengers  
on Home-trade Voyages, Class II*

6. (1) Every ship to which this regulation applies shall be provided, in accordance with its length, with the number of sets of davits specified in column A of the table set out in Schedule A; but no ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved lifeboat of Class 1 shall be attached to each set of davits.

(3) Where the lifeboats carried pursuant to subsection (2) do not provide the minimum cubic capacity specified in column D of the table set out in Schedule A, or do not provide sufficient accommodation for the number of persons that the ship is certified to carry, additional approved lifeboats of Class 1 or Class 2 shall be provided up to the minimum capacity specified in column D, after which additional approved lifeboats, approved life rafts, or approved buoyant apparatus shall be provided, to the satisfaction of the Board, so that the accommodation provided will be sufficient for the number of persons that the ship is certified to carry.

(4) Where there is in force, in respect of any ship to which this section applies, that is employed in making international voyages, a memorandum under section 396 of the Canada Shipping Act (which relates to the modification of safety certificates as respects life saving appliances), the number of persons stated in the memorandum shall, for the purposes of this regulation, be treated as the number of persons that the ship is certified to carry.

(5) Every ship to which this section applies shall carry approved buoyant apparatus sufficient to support ten per cent of the number of persons that the ship is certified to carry, in addition to any buoyant apparatus carried pursuant to subsection (3).

(6) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined in accordance with the following table:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 200 feet .....	8
200 feet and under 400 feet .....	12
400 feet and under 600 feet .....	18
600 feet and under 800 feet .....	24
800 feet and over .....	30

**Canada Shipping Act—continued**

(7) Every ship to which this section applies shall carry such number of approved lifejackets which shall be not less than the number of persons that the ship is certified to carry.

(8) Every ship to which this section applies shall carry an approved type of line-throwing appliance.

## CLASS IV SHIPS

*Steamships that are Certified to Carry Passengers  
on Home-trade Voyages, Class III*

7. (1) Every ship that is more than sixty feet in length to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in the table set out in Schedule B, but no ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved lifeboat of Class 1 shall be attached to each set of davits.

(3) The minimum aggregate capacity of the lifeboats which are attached to the davits shall be as specified in Schedule B, but no ship shall be required to carry a greater aggregate capacity of lifeboats than is required to accommodate the number of persons that the ship is certified to carry.

(4) Every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved lifeboat of Class 1 having a capacity of at least eighty cubic feet, so stowed that it can readily be placed in the water on either side of the ship; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(5) Every ship that is not more than forty feet in length to which this section applies shall carry at least one approved lifeboat of Class 1 having a capacity of at least fifty cubic feet, so stowed that it can readily be placed in the water; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(6) Where the lifeboats carried pursuant to subsections (3), (4) or (5) do not provide sufficient accommodation for the number of persons that the ship is certified to carry, additional approved lifeboats of Class 1 or Class 2, approved life rafts or approved buoyant apparatus shall be provided, to the satisfaction of the Board, so that the accommodation provided will be sufficient for the number of persons that the ship is certified to carry.

(7) Where there is in force in respect of any ship to which this section applies, that is employed in making international voyages, a memorandum under section 396 of the Canada Shipping Act (which relates to the modification of safety certificates as respects life saving appliances), the number of persons stated in the memorandum shall, for the purposes of this section, be treated as the number of persons that the ship is certified to carry.

**Canada Shipping Act—continued**

(8) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined in accordance with the following table:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 200 feet.....	6
200 feet and over.....	10

(9) Every ship to which this section applies shall carry such number of approved lifejackets which shall be not less than the number of persons that the ship is certified to carry.

(10) Every ship to which this section applies, of five hundred tons, gross tonnage, and upwards, shall carry an approved type of line-throwing appliance.

CLASS V SHIPS

*Steamships that are Certified to Carry Passengers  
on Home-trade Voyages, Class IV*

8. (1) Every ship that is more than seventy-five feet in length to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in the table set out in Schedule C, but no ship shall be required to have a number of sets of davits greater than the number of boats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved boat of Class 3 shall be attached to each set of davits.

(3) The minimum aggregate capacity of boats attached to davits shall be as specified in the table set out in Schedule C, but no ship shall be required to carry a greater aggregate capacity of boats than is required to accommodate the number of persons that the ship is certified to carry.

(4) Every ship that is more than sixty feet in length and not more than seventy-five feet in length to which this section applies shall carry at least one approved boat of Class 3 having a capacity of at least seventy-five cubic feet, so stowed that it can readily be placed in the water on either side of the ship; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(5) Every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved boat of Class 3 having a capacity of at least fifty cubic feet, so stowed that it can readily be placed in the water; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(6) Where the boats carried pursuant to subsection (3), (4) or (5) do not provide sufficient accommodation for at least seventy per cent of the number of persons that the ship is certified to carry, such additional approved boats, approved life rafts or approved buoyant apparatus shall be provided, to the satisfaction of the Board, as will be sufficient together with the boats required by subsection (3), (4) or (5) to accommodate at least seventy per cent of the number of persons that the ship is certified to carry.

(7) Every ship that is not more than forty feet in length to which this section applies shall be provided with approved buoyant apparatus, to the satisfaction of the Board, sufficient to support at least seventy per cent of the number of persons that the ship is certified to carry.



**Canada Shipping Act—continued**

(8) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined in accordance with the following table:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 60 feet.....	2
60 feet and under 120 feet.....	4
120 feet and over.....	6

(9) Every ship to which this section applies shall carry such number of approved lifejackets which shall be not less than the number of persons that the ship is certified to carry.

**CLASS VI SHIPS**

*Steamships that are Certified to carry not more than Twelve Passengers on Foreign Voyages or on Home-trade Voyages, Class I, and Foreign-going Steamships or Home-trade Steamships, Class I, in excess of 5 tons, Gross Tonnage, not Certified to Carry Passengers.*

9. (1) Every ship to which this section applies shall carry on each side of the ship approved lifeboats of Class 1, in such number and of such aggregate capacity as will accommodate all persons on board, provided that, so long as not less than half the total capacity on each side of the ship is composed of approved lifeboats of Class 1, the Board may allow,

- (a) if the number of such lifeboats required under this regulation is three, an approved boat of Class 3 to be carried in lieu of one of them; or
- (b) if the number of such lifeboats exceeds three, one or two approved boats of Class 3 to be carried in lieu of the same number of such lifeboats.

(2) Each lifeboat or boat shall be attached to a set of davits.

(3) Every ship to which this section applies shall carry at least six approved lifebuoys, together with one approved lifejacket for each person on board.

(4) Every ship to which this section applies, of 500 tons, gross tonnage, and upwards, shall carry an approved type of line-throwing appliance.

**CLASS VII SHIPS**

*Home-trade Steamships, Class II, Home-trade Steamships, Class III, and Home-trade Steamships, Class IV, in excess of 5 Tons, Gross Tonnage, that are not Certified to Carry Passengers.*

10. (1) Every ship that is more than one hundred feet in length to which this section applies shall carry on each side of the ship one or more boats of sufficient aggregate capacity to accommodate all persons on board; such boats shall be attached to davits.

(2) One of the boats may be an approved boat of Class 3; the remaining boat or boats shall be approved lifeboats of Class 1.

**Canada Shipping Act—continued**

(3) Subject to the provisions of subsection (5), every ship that is more than sixty and not more than one hundred feet in length to which this section applies shall carry at least one approved lifeboat of Class 1, so stowed that it can readily be placed in the water on either side of the ship, and of sufficient capacity to accommodate all persons on board, but the capacity of the lifeboat shall not be less than seventy-five cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(4) Subject to the provisions of subsection (5), every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved lifeboat of Class 1, so stowed that it can readily be placed in the water on either side of the ship, and of sufficient capacity to accommodate all persons on board, but the capacity of the lifeboat shall not be less than fifty cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(5) Every ship that is more than forty and not more than one hundred feet in length to which this section applies, and that is certified to make home-trade voyages, Class IV, shall carry at least one approved boat of Class 3, so stowed that it can readily be placed in the water, and of sufficient capacity to accommodate all persons on board, but the capacity of the boat shall not be less than fifty cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(6) Every ship that is not more than forty feet in length and is in excess of five tons, gross tonnage, to which this section applies shall carry at least one approved life raft having sufficient capacity to accommodate all persons on board.

(7) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined as follows:

<i>Length of ship</i>	<i>Minimum number of lifebuoys</i>
Under 40 feet .....	1
40 feet and under 100 feet .....	2
100 feet and over .....	4

(8) Every ship to which this section applies shall carry one approved lifejacket for each person on board.

(9) Every ship to which this section applies, of five hundred tons, gross tonnage, and upwards, except ships certified to make home-trade voyages, Class IV, shall carry an approved type of line-throwing appliance.

**CLASS VIII SHIPS**

*Steamships that are Certified to Carry Passengers  
on Inland Voyages, Class I*

11. (1) Every ship to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in column A of the table set out in Schedule A, but no ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the number of persons that the ship is certified to carry.

**Canada Shipping Act—continued**

(2) An approved lifeboat of Class I shall be attached to each set of davits.

(3) Where the lifeboats carried pursuant to subsection (2) do not provide the minimum cubic capacity specified in column D of the table set out in Schedule A, or do not provide sufficient accommodation for the number of persons that the ship is certified to carry, additional approved lifeboats of Class I or Class 2 shall be provided up to the minimum capacity specified in column D, after which additional approved lifeboats, approved life rafts or approved buoyant apparatus shall be provided, to the satisfaction of the Board, so that the accommodation provided will be sufficient for the number of persons that the ship is certified to carry.

(4) Where a ship to which this section applies has a special passenger steamship's certificate allowing the ship, when engaged on daylight voyages between the 15th day of May and the 30th day of September, inclusive, to carry a number of persons in excess of the number of persons that the ship is certified to carry ordinarily, the equipment required under the provisions of subsection (3) shall provide sufficient accommodation for at least eighty per cent of the number, including the crew, allowed by such special passenger steamship's certificate, or for the number of persons that the ship is certified to carry ordinarily, whichever number is the greater.

(5) Every ship that is not more than two hundred feet in length to which this section applies shall carry at least six approved lifebuoys, and if more than two hundred feet in length, shall carry at least ten approved lifebuoys.

(6) Every ship to which this section applies shall carry such number of approved lifejackets as shall be not less than the number of persons that the ship is certified to carry.

(7) Every ship to which this section applies, of five hundred tons, gross tonnage, and upwards, shall carry an approved type of line-throwing appliance.

**CLASS IX SHIPS***Steamships that are Certified to Carry Passengers on Inland Voyages, Class II, or Minor Waters Voyages, Class I*

12. (1) Every ship that is more than sixty feet in length to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in the table set out in Schedule B, but no ship shall be required to have a number of sets of davits greater than the number of boats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved lifeboat of Class I shall be attached to each set of davits.

(3) The minimum aggregate capacity of the lifeboats attached to davits shall be as specified in the table set out in Schedule B, but no ship shall be required to carry a greater aggregate capacity of lifeboats than is required to accommodate the number of persons that the ship is certified to carry.

(4) Every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved lifeboat of Class 1 having a capacity of at least eighty cubic feet, so stowed

**Canada Shipping Act—continued**

that it can readily be placed in the water on either side of the ship; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(5) Every ship that is not more than forty feet in length, to which this section applies, shall carry at least one approved lifeboat of Class 1 having a capacity of at least fifty cubic feet, so stowed that it can readily be placed in the water; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(6) Where the lifeboats carried pursuant to subsections (2), (3), (4) and (5) do not provide sufficient accommodation for at least fifty per cent of the number of persons that the ship is certified to carry, such additional approved lifeboats of Class 1 or Class 2, approved life rafts or approved buoyant apparatus, shall be provided, to the satisfaction of the Board, as will be sufficient, together with the lifeboats required by subsections (2), (3), (4) and (5), to accommodate at least fifty per cent of the number of persons that the ship is certified to carry.

(7) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined as follows:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 60 feet .....	2
60 feet and under 120 feet .....	4
120 feet and under 200 feet .....	6
200 feet and over .....	8

(8) Every ship to which this section applies shall carry such number of approved lifejackets as shall be not less than the number of persons that the ship is certified to carry.

**CLASS X SHIPS**

*Steamships that are Certified to Carry Passengers  
on Minor Waters Voyages, Class II*

13. (1) Every ship that is more than seventy-five feet in length to which this section applies shall be provided, in accordance with its length, with the number of sets of davits specified in the table set out in Schedule C; but no ship shall be required to have a number of sets of davits greater than the number of boats required to accommodate the number of persons that the ship is certified to carry.

(2) An approved boat of Class 3 shall be attached to each set of davits. for launching the boat.

(3) The minimum aggregate capacity of the boats that are attached to davits shall be as specified in the table set out in Schedule C, but no ship shall be required to carry a greater aggregate capacity of boats than is required to accommodate the number of persons that the ship is certified to carry.

(4) Every ship that is more than sixty and not more than seventy-five feet in length to which this section applies shall carry at least one approved boat of Class 3 having a capacity of at least seventy-five cubic feet, so stowed that it can readily be placed in the water on either side of the ship; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.



**Canada Shipping Act—continued**

(5) Every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved boat of Class 3 having a capacity of at least fifty cubic feet, so stowed that it can readily be placed in the water; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(6) Where, in the case of a ship employed in making voyages on the inland waters of Canada, the boats carried pursuant to subsections (2), (3), (4) and (5) do not provide sufficient accommodation for at least forty per cent of the number of persons that the ship is certified to carry, such additional approved boats, approved life rafts or approved buoyant apparatus shall be provided, to the satisfaction of the Board, as will be sufficient, together with the boats required by subsections (2), (3), (4) and (5), to accommodate at least forty per cent of the number of persons that the ship is certified to carry.

(7) Where, in the case of a ship employed in making voyages on the sea coasts of Canada, the boats carried pursuant to subsections (2), (3), (4) and (5) do not provide sufficient accommodation for at least seventy per cent of the number of persons that the ship is certified to carry, such additional approved boats, approved life rafts or approved buoyant apparatus shall be provided, to the satisfaction of the Board, as will be sufficient, together with the boats required by subsections (2), (3), (4) and (5), to accommodate at least seventy per cent of the number of persons that the ship is certified to carry.

(8) Every ship that is not more than forty feet in length to which this section applies and is employed in making voyages on the inland waters of Canada shall be provided with approved buoyant apparatus, to the satisfaction of the Board, sufficient to support at least forty per cent of the number of persons that the ship is certified to carry.

(9) Every ship that is not more than forty feet in length to which this section applies that is employed in making voyages on the sea coasts of Canada shall be provided with approved buoyant apparatus, to the satisfaction of the Board, sufficient to support at least seventy per cent of the number of persons that the ship is certified to carry.

(10) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined as follows:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 60 feet .....	2
60 feet and under 120 feet .....	4
120 feet and over .....	6

(11) Every ship to which this section applies shall carry such number of approved life jackets as shall be not less than the number of persons that the ship is certified to carry.

**CLASS XI SHIPS**

*Inland Steamships and Minor Waters Steamships in excess of 5 Tons,  
Gross Tonnage, that are not Certified to Carry Passengers*

14. (1) Every ship that is more than one hundred feet in length to which this regulation applies shall carry on each side of the ship one or more boats of sufficient aggregate capacity to accommodate all persons on board; such boats shall be attached to davits.

**Canada Shipping Act—continued**

(2) One of the boats may be an approved boat of Class 3, the remaining boat or boats shall be approved lifeboats of Class 1.

(3) Subject to the provisions of subsection (5), every ship that is more than sixty and not more than one hundred feet in length to which this section applies shall carry at least one approved lifeboat of Class 1, so stowed that it can readily be placed in the water on either side of the ship, and of sufficient capacity to accommodate all persons on board, but the capacity of the lifeboat shall not be less than seventy-five cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(4) Subject to the provisions of subsection (5), every ship that is more than forty and not more than sixty feet in length to which this section applies shall carry at least one approved lifeboat of Class 1, so stowed that it can readily be placed in the water on either side of the ship, and of sufficient capacity to accommodate all persons on board, but the capacity of the boat shall not be less than fifty cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the lifeboat.

(5) Every ship that is more than forty and not more than one hundred feet in length to which this section applies and is certified to make minor waters voyages, Class II, shall carry at least one approved boat of Class 3, so stowed that it can readily be placed in the water, and of sufficient capacity to accommodate all persons on board, but the capacity of the boat shall not be less than fifty cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(6) Every ship that is not more than forty feet in length and is in excess of five tons, gross tonnage, to which this section applies, shall carry at least one approved life raft having sufficient capacity to accommodate all persons on board.

(7) Every ship to which this section applies shall carry at least the number of approved lifebuoys determined as follows:

<i>Length of Ship</i>	<i>Minimum number of lifebuoys</i>
Under 40 feet .....	1
40 feet and under 100 feet .....	2
100 feet and over .....	4

(8) Every ship to which this section applies shall carry one approved life jacket for each person on board.

(9) Every ship to which this section applies, of five hundred tons, gross tonnage, and upwards, that is certified to make inland voyages, Class I, shall carry an approved type of line-throwing appliance.

(10) Where a ship to which this section applies is of such length and carries the lifeboats so placed that, in the opinion of the Board, undue risk might attend when the part of the crew berthed in the forward part of the ship attempted to reach the boats, an approved life raft or rafts of sufficient capacity to accommodate the crew berthed forward shall be carried in the forward part of the ship so as to be readily available, but the Board may accept such other arrangements as they deem sufficient in the circumstances.

**Canada Shipping Act—continued**

## CLASS XII SHIPS

*Steamships not in Excess of 5 tons, Gross Tonnage,  
and Powerdriven Pleasure Yachts of any tonnage*

15. (1) Every ship to which this section applies shall carry one approved life jacket for each person on board, and, if in excess of twenty feet in length, shall carry one approved lifebuoy.

(2) Every ship to which this section applies, that carries more than twelve passengers, shall carry approved buoyant apparatus sufficient to support at least fifty per cent of the number of persons on board.

## CLASS XIII SHIPS

*Barges, Scows and like Vessels that are Certified to Carry Passengers,  
and are Towed by a Steamship or are Operated on a Cable  
and are not moved by Sails or Oars*

16. (1) Every vessel that is not more than fifty feet in length to which this section applies shall carry at least one approved lifebuoy, and shall also carry one approved life jacket for each person that the ship is certified to carry.

(2) Every vessel that is not more than fifty feet in length to which this section applies and is certified to carry more than twelve passengers, shall, if not towed by a steamship, carry approved buoyant apparatus sufficient to support at least fifty per cent of the number of persons that the vessel is certified to carry, provided that where, in the case of any such vessel, the length of the crossing from shore to shore exceeds six hundred feet, or where in any other circumstances a Steamship Inspector considers it necessary, there shall be carried, in addition to the buoyant apparatus, an approved boat having a capacity of at least seventy-five cubic feet, so stowed that it can readily be placed in the water; suitable means, to the satisfaction of the Board, shall be provided for launching the boat.

(3) Every vessel that is not more than fifty feet in length to which this section applies and is towed by a steamship in which passengers are carried, shall carry such approved buoyant apparatus as the Board may require.

(4) Every vessel that is more than fifty feet in length to which this section applies shall carry such life saving equipment as the Board may require.

## CLASS XIV SHIPS

*Dredges, Rock Drills, Floating Elevators, Floating Pile Drivers  
and like Vessels that are not Self Propelled*

17. (1) Every vessel to which this section applies shall carry one or more approved boats of sufficient aggregate capacity to accommodate all persons on board, but the capacity of any boat carried under the provisions of this regulation shall not be less than seventy-five cubic feet; suitable means, to the satisfaction of the Board, shall be provided for launching the boats.

(2) Every vessel to which this section applies shall carry at least two approved lifebuoys, and shall also carry one approved life jacket for each person on board.

**Canada Shipping Act—continued**

REQUIREMENTS FOR BOATS, LIFE RAFTS, BUOYANT APPARATUS  
AND OTHER LIFE SAVING APPLIANCES

*General Requirements for Boats*

18. For the purposes of these regulations the standard types of boats are classified as follows:

Class 1 lifeboat—Open boats with rigid sides fitted either (a) with internal buoyancy appliances only, or (b) with internal and external buoyancy appliances;

Class 2 lifeboat—(a) Open boats fitted with internal and external buoyancy appliances, upper parts of sides collapsible, and (b) decked boats with either fixed or collapsible watertight bulwarks;

Class 3 boat—Open boats constructed in accordance with the provisions of these regulations relating to lifeboats of Class 1, but not fitted with internal or external buoyancy appliances, (except as hereinafter provided in respect of metal boats);

19. (1) All boats shall be properly constructed, and shall be of such form and proportions that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment; they shall be fitted and arranged to the satisfaction of the Board.

(2) The structural strength of all boats shall be to the satisfaction of the Board.

(3) The strength of boats carried on ships of Classes I, II, III, IV, VIII and IX shall be sufficient to permit of their being safely lowered into the water when loaded with a full complement of persons and equipment, but this requirement shall not apply to any ship of Class III, IV, VIII or IX, where the height of the boat deck above the waterline at the vessel's lightest sea-going draught does not exceed fifteen feet.

(4) In all open boats all thwart and side seats shall be fitted as low in the boat as practicable, and bottom boards shall be fitted so that the thwarts shall not be more than two feet nine inches above them.

(5) Except where otherwise specifically prescribed by these regulations, every boat to be carried in accordance with these regulations shall have a capacity of not less than 125 cubic feet; provided that in the case of ships of Classes IV and IX that are more than sixty feet in length and not more than seventy-five feet in length, and ships of Classes V and X that are more than seventy-five feet in length and not more than one hundred feet in length, the minimum capacity of any boat shall not be less than eighty cubic feet.

(6) No boat shall be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull.

(7) The weight of a boat when fully laden with persons and equipment shall not exceed twenty tons.



**Canada Shipping Act—continued**

20. All lifeboats of Class 1 shall comply with the provisions of Part I of Schedule D in addition to the provisions of section 19.

21. All lifeboats of Class 2 shall comply with the provisions of Part II of Schedule D in addition to the provisions of section 19.

22. All boats of Class 3 shall comply with the provisions of Part III of Schedule D in addition to the provisions of section 19.

*General Requirements for Motor Boats*

23. Every motor boat carried as part of the life saving appliances of a ship of Class I or Class II, whether or not in compliance with subsection (8) of section 4, shall comply with the following conditions:

- (a) the boat shall comply with the requirements for a lifeboat of Class I, subject to the provisions of section 24 as to buoyancy;
- (b) proper appliances shall be provided for putting the boat into the water speedily;
- (c) the boat shall be adequately provided with fuel, and kept so as to be at all times ready for use;
- (d) the motor and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions, and provision shall be made for going astern; and
- (e) the speed shall be at least six knots, when fully loaded, in smooth water.

24. The volume of the internal buoyancy appliances of a motor boat and where fitted, the external buoyancy appliances shall be at least equal to that of the buoyancy appliances which would be required under these regulations if the boat were not a motor boat, and shall be increased above that volume if and to the extent that such increase is necessary to compensate for the difference between (a) the weight of the motor and its accessories and, if fitted, the searchlight and the wireless telegraph installation and their accessories, and (b) the weight of the additional persons that the boat could accommodate if the motor and its accessories and, if fitted, the searchlight and the wireless telegraph installation and their accessories were removed.

25. In the case of motor boats that are deemed fit to carry one hundred or more persons the volume of the buoyancy appliances shall be increased beyond the volume required by section 24 to such extent as may be determined by the Board.

*Carrying Capacity of Boats*

26. (1) Subject as hereinafter provided, the number of persons that a boat shall be deemed fit to carry shall be equal to the greatest whole number ascertained by dividing the capacity of the boat in cubic feet, determined in accordance with the provisions of Part I of Schedule E, or the surface of the boat in square feet, determined in accordance with the pro-

**Canada Shipping Act—continued**

visions of Part II of the said Schedule, as the case may be, by the standard unit of capacity or unit of surface, as the case may be, shown in the following table:

<i>Type of boat</i>	<i>Standard unit of capacity</i>
Class 1 (a) (Boats fitted with internal buoyancy appliances only) .....	10 cubic feet
Class 1 (b) (Boats fitted with internal and external buoyancy appliances) ...	9 cubic feet
Class 3, except for ships of classes V and X ..	10 cubic feet
Class 3, for ships of classes V and X .....	8 cubic feet
	<i>Standard unit of surface</i>
Class 2 .....	3½ square feet

(2) In the case of boats having a cubic capacity of less than 125 cubic feet, the unit of capacity, except in boats carried in ships of Class V or Class X, shall be increased so that it shall be twelve cubic feet for boats having a capacity of seventy-five cubic feet, and fourteen cubic feet for boats having a capacity of fifty cubic feet; in the case of boats carried in ships of Class V or Class X, the unit of capacity shall be increased so that it shall be ten cubic feet for boats having a capacity of seventy-five cubic feet, and twelve cubic feet for boats having a capacity of fifty cubic feet.

(3) The unit of capacity for boats of intermediate sizes shall be determined by interpolation.

(4) The Board may, in the case of a decked lifeboat of Class 2, accept, in place of three and a half square feet, a smaller unit of surface not being less than three square feet, if they are satisfied after trial that the number of persons for which there is proper seating accommodation in the boat is greater than the number obtained by applying the standard unit.

(5) The number of persons that a boat is deemed fit to carry shall not

(a) exceed the number of adult persons wearing lifejackets for which there is proper seating accommodation, arranged in such a way that the persons when seated do not interfere in any way with the use of the oars; and

(b) in the case of lifeboats of Class 2 be such as to reduce the free-board of the boat, when fully laden, below the minimum free-board laid down for each type of lifeboat of this class in Part II of Schedule D.

(6) Where the Inspector is uncertain as to the number of persons any boat is fit to carry, he may require it to be tested afloat, fully laden with equipment and the intended number of persons, all wearing lifejackets.

(7) In the case of boats of a depth of more than four feet, boats with very fine ends and boats very full in form, the number of persons that the boat is deemed fit to carry may be determined by the Board otherwise than in accordance with the foregoing provisions of this section.

(8) Where a lifeboat of Class I is carried as part of the life saving appliances on a ship of Class V or Class X, the unit of capacity allowed under the provisions of this section in the case of a boat of Class 3 may be used, provided that it be demonstrated by test that the lifeboat can safely carry the greater number of persons found by using this unit of capacity.

**Canada Shipping Act—continued***General Requirements For Life Rafts*

27. (1) The following conditions apply to approved life rafts; each approved life raft

- (a) shall be of approved material and construction;
- (b) shall be effective and stable when floating either way up;
- (c) shall be fitted with fixed or collapsible bulwarks of wood, canvas or other suitable material around both the top and bottom platforms;
- (d) shall have a line securely becketed around the outside;
- (e) shall be of such strength that it can be launched or thrown from the ship's deck without being damaged, and if intended to be thrown it shall be of such size and weight that it can easily be handled;
- (f) shall have not less than three cubic feet of air cases or equivalent buoyancy appliances for each person to be carried thereon; and
- (g) shall have a deck area of not less than four square feet for each person to be carried thereon, and it shall effectively support the occupants out of the water.

2. The air cases or equivalent buoyancy appliances shall be placed as near as possible to the sides of the life raft, and such buoyancy appliances shall not be dependent on inflation by air.

(3) Air cases for life rafts shall be constructed of copper or yellow metal of not less than eighteen ounces to the superficial foot or of other approved material, provided that in life rafts carried in ships making voyages exclusively in fresh water, the air cases may be of galvanized iron of not less than eighteen B.W.G. in thickness.

*General Requirements For Buoyant Apparatus*

28. (1) Approved buoyant apparatus, whether deck seats, deck chairs or other apparatus, shall be deemed sufficient, so far as buoyancy is concerned, for the number of persons equal to the greatest whole number ascertained by dividing the number of pounds of iron which the apparatus is capable of supporting in fresh water by thirty-two, and the apparatus shall be deemed fit to support the number so ascertained or a number equal to the number of feet in the perimeter of the apparatus, whichever number is the smaller.

(2) Approved buoyant apparatus shall

- (a) be of approved material and construction;
- (b) be effective and stable when floating either way up;
- (c) be of such size, strength and weight that it can be handled without mechanical appliances and, if necessary, thrown without damage from the ship's deck on which it is stowed;
- (d) if it depends for its buoyancy on air, not be so constructed as to require inflation before use in an emergency; and
- (e) have a line securely becketed around the outside of the apparatus.

(3) Air cases or equivalent buoyancy appliances shall be placed as near as possible to the sides of the apparatus.

**Canada Shipping Act—continued**

(4) Air cases for buoyant apparatus shall be constructed of copper or yellow metal of not less than eighteen ounces to the superficial foot or of other approved material, provided that for buoyant apparatus carried in ships making voyages exclusively in fresh water, the air cases may be of galvanized iron of not less than eighteen B.W.G. in thickness.

*Marking of Boats, Life Rafts and Buoyant Apparatus*

29. (1) All boats shall be permanently marked to the satisfaction of the Board in such a manner as to indicate plainly their dimensions and the number of persons that they are deemed fit to carry.

(2) All life rafts shall be marked in the same manner with the number of persons that they may carry.

(3) All buoyant apparatus shall be marked in the same manner with an indication that they are buoyant and with the number of persons that they are deemed fit to support.

*Equipment of Boats*

30. (1) Every boat carried by any ship shall be equipped with

- (a) the full single banked complement of oars, two spare oars, and a steering oar; provided that boats of less than 125 cubic feet need only be equipped with one spare oar, and need not be equipped with a steering oar;
- (b) two plugs for each plug hole, attached by lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by lanyards; plugs shall not be required where proper automatic valves are fitted;
- (c) a bailer, a galvanized iron bucket, a rudder and a tiller, or yoke and yoke lines, a painter of sufficient length, and a boat hook; the rudder, the bailer, and the bucket shall be attached to the boat by sufficiently long lanyards, and kept ready for use;
- (d) on ships navigating in salt water, except ships of Class V, a vessel of a capacity sufficient to provide one quart for each person that the boat is deemed fit to carry; this vessel shall be kept filled with fresh water, and provided with a dipper with lanyard;
- (e) two hatchets, one to be kept in each end of the boat, and to be attached to the boat by a lanyard;
- (f) a line securely becketed around the outside of the boat;
- (g) a lantern trimmed, with oil in its receiver sufficient to burn for eight hours, or with some other lantern or light approved by the Board, and with a box of suitable matches in a watertight tin;
- (h) an efficient compass;
- (i) a sea anchor;
- (j) a vessel of approved pattern containing one gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor;
- (k) one dozen self-igniting red lights in a watertight tin; and
- (l) a suitable locker for the stowage of the small items of the equipment.

(2) In the case of ships of Classes V, X, XIII and XIV, and of ships of Classes VII and XI which are certified to make home-trade voyages,



**Canada Shipping Act—continued**

Class IV, or minor waters voyages, Class II, the boats are not required to carry the equipment specified in paragraphs (h), (i), (j) and (k) of subsection (1).

(3) In addition to the equipment prescribed in subsection (1), all boats carried by ships of Classes I, II and VI shall be equipped with

- (a) a mast or masts, and at least one good sail and proper gear for each;
- (b) an airtight case containing two pounds of biscuits for each person that the boat is deemed fit to carry;
- (c) one pound of condensed milk for each person that the boat is deemed fit to carry.

(4) Every boat that is deemed fit to carry one hundred or more persons shall be fitted with a motor and shall comply with the requirements of regulations 23, 24 and 25.

(5) A motor boat need not carry a mast or sails or more than half the complement of oars, but shall carry two boathooks.

(6) A decked boat shall have no plug hole, but shall be provided with at least two bilge pumps.

(7) In the case of ships of Classes I and II, which carry passengers in the North Atlantic on voyages not proceeding south of 35° North Latitude, only four of the lifeboats need be equipped with masts and sails, and only one-half the quantity of condensed milk specified in paragraph (c) of subsection (3) need be carried; lifeboats that are equipped with masts and sails shall be marked with a red band, three inches wide, painted immediately below the sheer strake.

*Wireless Installations and Searchlights in Motor Boats*

31. (1) The wireless installation to be carried in a motor boat in pursuance of subsection (8) of section 4, shall be capable of transmission and reception on a frequency of 500 kilocycles (wavelength 600 metres) and shall be provided with a source of power sufficient to give a minimum of 10 metre amperes (the number of metre amperes being determined by multiplying the current in amperes measured at the base of the aerial by the maximum height in metres of the aerial above the waterline) and to maintain the installation in operation, allowing for intermittent use, for a total period of six running hours.

(2) The searchlight to be carried by a motor boat in pursuance of subsection (8) of section 4 shall include a lamp of at least 80 watts, an efficient reflector and a source of power which will give effective illumination of a light-coloured object over a width of about 60 feet at a distance of 200 yards for a total period of six hours, and shall be capable of working for three hours continuously.

(3) Where the power for the wireless installation and the searchlight is derived from the same source, that source shall be of sufficient power to provide for the adequate working of both appliances simultaneously.

*Equipment of Life Rafts*

32. (1) Subject to the provisions of subsections (2), (3) and (4), the normal equipment of every approved life raft shall consist of

- (a) four oars;
- (b) five rowlocks;
- (c) a self-igniting lifebuoy light;

**Canada Shipping Act—continued**

- (d) a sea-anchor;
- (e) a painter;
- (f) a vessel of approved pattern, containing one gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea-anchor;
- (g) an airtight case containing two pounds of biscuits for each person to be carried;
- (h) a watertight receptacle, provided with a dipper with lanyard, containing one quart of fresh water for each person to be carried; and
- (i) at least one dozen self-igniting red lights and a box of matches in a watertight container.

(2) Ships of Classes III and IV are exempt from carrying the equipment for life rafts specified in paragraph (g) of subsection (1).

(3) Ships of Classes VIII and IX are exempt from carrying the equipment for life rafts specified in paragraphs (g) and (h) of subsection (1).

(4) Ships of Classes V and X are exempt from carrying the equipment for life rafts specified in paragraphs (c), (d), (f), (g) and (h) of subsection (1).

*Stowage of Equipment in Boats and Life Rafts*

33. All boats and life rafts shall be fully equipped before the ship proceeds to sea, and the equipment shall remain in the boat or life raft throughout the voyage, while the ship is at sea, or shall be stowed in some convenient place where it will be immediately available in case of emergency.

*Stowage and Handling of Boats, Life Rafts  
and Buoyant Apparatus*

34. (1) All boats attached to davits, and all boats stowed under boats attached to davits, shall be stowed to the satisfaction of the Board in such a way that

- (i) they can be launched in the shortest possible time;
- (ii) they will not impede in any way the prompt handling of any other of the boats attached to davits or stowed under boats attached to davits, or the buoyant apparatus carried in pursuance of subsection (10) of section 4, section 5, or subsection (5) of section 6, or the marshalling of the persons on board at the launching stations, or their embarkation; and
- (iii) under conditions of list and trim unfavourable from the point of view of the handling of the boats, as large a number of persons as possible can be embarked in them.

(2) Boats and life rafts additional to boats stowed under boats attached to davits shall be stowed across a deck, bridge or poop, and so secured that they will have the best chance of floating free of the ship when there is no time to launch them; they must not impede in any way the prompt handling of the boats attached to davits, or the boats stowed under boats attached to davits, or the buoyant apparatus, or the marshalling of the persons on board at the launching stations or their embarkation.

(3) As large a number as possible of the additional boats referred to in subsection (2) shall be capable of being launched on either side of the ship by means of approved appliances for transferring them from one side of the deck to the other.

**Canada Shipping Act—continued**

(4) Means shall be provided, to the satisfaction of the Board, for lowering the additional boats referred to in subsection (2) into the water in the shortest possible time.

(5) Subject to the foregoing provisions of this section, boats may be stowed one above the other, or they may, subject to such conditions as the Board may impose, be fitted one within another, but where boats so fitted require lifting before being launched they may only be so fitted if mechanical power appliances for lifting are provided; in no other case shall boats be so stowed as to require lifting before being launched.

(6) Where a boat is stowed underneath another boat there shall be provided approved removable supports or other approved appliances, so that the weight of a boat is not unduly supported by the boat underneath it.

(7) Boats may be stowed on more than one deck on condition that proper measures are taken to prevent boats on a lower deck being fouled by those stowed on a deck above.

(8) Boats shall not be placed in the bows of the ship, nor may they be placed in any position in which they would be brought into dangerous proximity to the propellers at the time of launching.

(9) All life rafts and buoyant apparatus shall be so stowed as to be readily available in case of emergency.

(10) Davits shall be of approved form and shall be suitably placed to the satisfaction of the Board; they shall be so disposed on one or more decks that the boats placed under them can be safely lowered without interference from the operation of any other davits.

(11) The davits, falls, blocks and all other gear shall be of sufficient strength to the satisfaction of the Board.

(12) In the case of ships of Classes I, II, III, IV, VIII and IX, the davits, falls, blocks and all other gear shall, subject to the provisions of subsection (18), be of such strength that the boats can be safely lowered with the full complement of persons and equipment, with the ship listed to fifteen degrees either way.

(13) Lifelines shall be fitted to the davit spans, and the falls and lifelines shall be long enough to reach the water with the ship at her lightest sea-going draught and listed to fifteen degrees either way; hooks shall not be attached to the lower tackle blocks.

(14) In the case of ships of Classes I, II, III, IV, VIII and IX the davits shall, subject to the provisions of subsection (18), be fitted with gear of sufficient power to ensure that the boat, fully equipped and manned, but not otherwise loaded with passengers, can be turned out against the maximum list at which the lowering of the boats is possible.

(15) Boats attached to davits shall have the falls ready for service, and means shall be provided for speedily, but not necessarily simultaneously, detaching the boats from the falls; the points of attachment of the boats to the falls shall be so situated as to ensure the boats being easily swung clear of the davits.

(16) The boats' chocks shall be of such construction and arranged in such manner as shall be satisfactory to the Board.

**Canada Shipping Act—continued**

(17) Subject to the provisions of subsection (18), where more than one boat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each boat, but where wire falls are used with mechanical appliances for recovering them, separate falls need not be provided; the appliances used shall be such as to ensure lowering the boats rapidly and in turn; where mechanical power appliances are fitted for the recovery of the falls, efficient hand gear shall also be provided.

(18) In the case of ships of Classes II, III, IV, VIII and IX, where the height of the boat deck above the waterline when the vessel is at her lightest sea-going draught does not exceed fifteen feet, the requirements of subsections (12), (14) and (17) do not apply, but provision shall be made for the matters to which those subsections relate, to the satisfaction of the Board.

*Life Jackets*

35. (1) "Approved life jacket" means a jacket or other approved appliance capable of being fitted on the body, of approved material and construction, which is capable of floating in fresh water for at least twenty-four hours with sixteen and a half pounds of iron suspended from it; it shall be reversible and suitable both for adults and children.

(2) No life jackets shall be approved or carried the buoyancy of which depends on air compartments.

*Lifebuoys*

36. (1) An approved lifebuoy shall be of solid cork or other approved material, and shall be capable of floating in fresh water for at least twenty-four hours with thirty-two pounds of iron suspended from it.

(2) No lifebuoys filled with rushes, cork shavings, granulated cork or any other loose granulated material, or whose buoyancy depends upon air compartments requiring inflation, shall be approved or carried.

(3) All lifebuoys shall be fitted with beackets securely seized, and at least one on each side of the ship shall be fitted with a lifeline at least fifteen fathoms in length.

(4) Subject to the provisions of subsection (5), in every ship at least half the lifebuoys required by these regulations shall be provided with approved self-igniting lights which cannot be extinguished in water, so, however, that in the case of ships of Classes I, II and III, the number of lifebuoys so provided shall not in any case be less than six.

(5) Lifebuoy lights shall not be required in ships of Classes V and X, in ships of Class VII that are home-trade steamships Class IV or, in ships of Class XI that are minor waters steamships, Class II.

(6) The lifebuoy lights shall be kept near the lifebuoys to which they belong, with the necessary means of attachment.

*Stowage of Lifebuoys and Life Jackets*

37. (1) All lifebuoys and life jackets shall be stowed to the satisfaction of a Steamship Inspector, and so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to passengers and crew.

(2) Lifebuoys shall always be capable of being rapidly cast loose and shall not be permanently secured in any way.



**Canada Shipping Act—continued***Line-Throwing Appliances*

38. (1) An approved line-throwing appliance shall consist of
- (a) four 2 pound line-throwing rockets with suitable sticks or other approved apparatus capable of throwing a line five sixteenths of an inch in circumference a distance of 120 yards in calm weather, and
  - (b) two lines, five sixteenths of an inch in circumference each not less than 240 yards in length, having a breaking strain of not less than 150 pounds.
- (2) The rockets with the means of igniting them and the lines shall be kept in a watertight case.

*Miscellaneous Provisions*  
*Embarkation in Lifeboats and Rafts*

39. (1) Such arrangements as may be required by the Board shall be made on ships of Classes I, II, III, IV, VIII and IX for embarking the passengers in the boats at an embarkation deck; ships of Class I shall be provided throughout with electrically-operated signals, controlled from the bridge, for summoning passengers to muster stations.

(2) All ships that are certified to carry passengers shall carry not less than one ladder of an approved type at each set of davits, and all ships that are not certified to carry passengers shall carry not less than one ladder of an approved type for every two sets of davits; the ladders shall be of sufficient length to reach the waterline with the ship at its lightest sea-going draught and listed to fifteen degrees either way, and shall be carried in such a manner as to be always available for use in embarking the persons in the boats or life rafts.

(3) In ships of Classes V, VI, VII, X and XI, ladders need not be carried where it is shown to the satisfaction of a Steamship Inspector that the passengers and crew can be safely embarked in the boats without the use of ladders.

*Means of Ingress and Egress—Emergency Lighting*

40. (1) Proper arrangements shall be made, to the satisfaction of the Board, on all passenger ships for ingress to and egress from the different compartments and decks.

(2) Subject to the provisions of subsection (4), provision shall be made on all ships of Classes I, II, III, IV, VIII and IX, for an electric or other system of lighting sufficient, to the satisfaction of the Board, for all requirements of safety, in the different parts of the ship and particularly upon the decks on which the boats are stowed; on ships in which the boat deck is more than thirty feet above the waterline at the lightest sea-going draught, provision shall be made for the illumination from the ship of the boats when alongside and in process of or immediately after being launched; there must be a self-contained source of power capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the bulkhead deck.

(3) Subject to the provisions of subsection (4), in ships of the classes mentioned in subsection (2), the exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp; the power for these emergency lamps shall be so arranged that they will be supplied from the source of power referred to in subsection (2) in the event of failure of the main generating plant.

**Canada Shipping Act—continued**

(4) The provisions of subsection (2) and (3) do not apply to ships that are not required to have Safety Convention certificates and in which passengers are not berthed.

*Certificated Lifeboatmen*

41. (1) The crew of every ship of Classes I, II, III, IV and VIII, and of ships of Class IX of more than 500 tons, gross tonnage, shall include, for each boat or life raft carried as part of the life saving equipment, a number of certificated lifeboatmen not less than that specified in the following table:

<i>Prescribed complement of boat or life raft</i>	<i>Minimum number of certificated lifeboatmen</i>
Less than 41 persons .....	2
From 41 to 61 persons .....	3
From 62 to 85 persons .....	4
Above 85 persons .....	5

- (2) For the purposes of this section,
- (a) “certificated lifeboatmen” means any number of the crew who holds a certificate as such issued by or under the authority of the Minister or by any other authority approved by him; and
- (b) “prescribed complement” means the number of persons that a boat or life raft is deemed fit to carry under these regulations.

*Equivalents and Exemptions*

42. Notwithstanding anything contained in these regulations,
- (a) where these regulations require that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Board may allow any other fittings, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if they are satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these regulations;
- (b) if it appears to the Board, on the application of the owner of any ship, that it is not practicable or reasonable to fit in that ship the number of sets of davits required by these regulations, the Board may direct that one or more sets of davits may be dispensed with in that ship subject to such conditions, if any, as the Board may require, provided that, in the case of ships of Classes I, II, III and VIII this exemption shall only be allowed under exceptional conditions, and the number of sets of davits fitted shall in no case be less than the minimum number determined by Column B of the table in Schedule A;
- (c) if a ship of Class I is permitted by the terms of its passenger certificate to carry, between specified ports or places not in Canada, a number of passengers in addition to the number allowed when the ship is proceeding to sea from Canada, the Board may, subject to such conditions as they think fit, allow, as regards the part of the voyage between such specified ports or places, such modifications of the provisions of subsections (4), (5), (6) and (10) of

**Canada Shipping Act—continued**

section 4 (relating respectively to lifeboats and buoyant apparatus) as appear to them to be justified, so however, that in no case shall the aggregate capacity of lifeboats or the provision of buoyant apparatus on that part of the voyage be less than would be required under these regulations if the ship were a ship making home-trade voyages of a similar nature to that part of the voyage between such specified ports or places.

- (d) where, in the opinion of the Board, it is impracticable in any case for a small ship of Class IV, V, VII, IX, X, XI or XIV to carry a boat of the minimum capacity prescribed by these regulations, or where, in their opinion, it would be unreasonable to require that such a boat should be carried, the Board may, in their discretion, and subject to such conditions as they may impose, allow a boat of less capacity to be carried by that ship or may allow such ship to carry such other equipment as they may deem sufficient in the circumstances, in lieu of a boat.
- (e) the Board may, on such conditions as they think fit, exempt any ship which is a steamship certified to carry more than twelve passengers on international voyages, the keel of which was laid before the 1st day of July, 1931, or any other ship, the keel of which was laid before the 1st day of August, 1936, from any of the requirements of these regulations, if they are satisfied that that requirement is either impracticable or unreasonable in the case of that ship; and
- (f) where in any ship which is not certified to carry passengers, special boats are carried and regularly used for the work in which the ship is employed, the Board may, under such conditions as they think fit, allow such special boats to form part of the life saving equipment of that ship.

*General*

43. (1) Before any life saving appliance is accepted as part of the equipment of a ship under these regulations, the Chairman of the Board shall be provided with such plans, specifications or other information describing the appliance, or such samples thereof, as the Board may require.

(2) Boats, life rafts, and buoyant apparatus shall be subject to such inspection and tests during construction, and on completion, as the Board may require, and lifebuoys, life jackets and other life saving appliances shall be subject, during manufacture, and on completion, to such examination and tests as the Board may require.

44. Notwithstanding any approval given in respect of any life saving appliance before or after the coming into force of these regulations, the Board may, in their discretion, withdraw such approval.

45. For the purpose of determining the number of persons which a boat or life raft can accommodate, each person shall be assumed to be an adult wearing a life jacket, and an adult so equipped shall be assumed to weigh 165 pounds, provided that two children under twelve years of age may be reckoned as one person.

46. No part of the life saving equipment of any ship shall be removed from that ship and placed on board any other ship to form part of its life saving equipment without the authority of a Steamship Inspector.

**Canada Shipping Act—continued**

*Forms*

- Schedule A—Registered length of ships 100 feet and over—number of davits, capacity of lifeboats  
 B—Registered length of ships 60 feet and over—number of davits, capacity of lifeboats  
 C—Registered length of ships 75 feet and over—number of davits, capacity of lifeboats  
 D—Part I —lifeboats of class 1  
     Part II —lifeboats of class 2  
     Part III—boats of class 3  
 E—Part I —cubic capacity of lifeboats of class 1 and boats of class 3  
     Part II—deck area of lifeboats of class 2.

Copies of Schedules A to E may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**29. Regulations *re* fire extinguishing equipment**

P.C. 1954-1816

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 410 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting fire extinguishing equipment, established by Order in Council P.C. 203 of 2nd February, 1937, are hereby revoked; and
2. The annexed "Regulations respecting Fire Extinguishing Equipment" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING FIRE EXTINGUISHING EQUIPMENT

*Interpretation*

1. In these regulations,
  - (a) "approved" means approved by the Board of Steamship Inspection;
  - (b) "launch" means a steamship in which the passengers are carried in an open cockpit, or in a cockpit covered by a light trunk cabin;
  - (c) "length" as applied to a ship means registered length; and
  - (d) "motorship" means a steamship propelled by internal combustion engines.



**Canada Shipping Act—continued***Classification of Steamships*

2. For the purpose of these regulations steamships are classified as follows:

Class A.—steamships certified to carry passengers, other than ships of Classes B, C and D;

Class B.—steamships not exceeding 150 feet in length, other than launches, certified to carry passengers, that are home-trade steamships, Class III, home-trade steamships, Class IV, inland steamships, Class II, minor waters steamships, Class I, or minor waters steamships, Class II;

Class C.—launches certified to carry passengers on home-trade voyages, Class III, home-trade voyages, Class IV, inland voyages, Class II, and minor waters voyages, Classes I and II, also launches not in excess of 5 tons, gross tonnage, carrying passengers; and

Class D.—steamships certified to carry not more than twelve passengers, that are foreign-going steamships, home-trade steamships, Class I, home-trade steamships, Class II, or inland steamships, Class I, and steamships not certified to carry passengers.

*Fire Detection*

3. On every Class A ship that is engaged on an international voyage, an approved fire alarm or fire-detecting system shall be provided that will automatically register at one or more points or stations in the ship, where it can be most quickly observed by officers and crew, the presence or indication of fire in any part of the ship that is, in the opinion of the Board, not accessible to a fire patrol system.

## FIRE EXTINGUISHING EQUIPMENT

## CLASS A SHIPS

*Spaces Occupied by Passengers and Crew*

4. (1) Every Class A ship shall be provided with apparatus whereby at least two powerful jets of water can be rapidly and simultaneously brought to bear upon any part of each deck or space occupied by passengers or crew, when the watertight and fire-resisting doors are closed.

(2) On each deck of every Class A ship there shall be provided, in each enclosed space occupied by passengers or crew, approved portable fluid fire extinguishers so that there shall be at least one such extinguisher for every fifty feet of length, or part thereof, of such space; provided that if any such space is so subdivided or arranged that, in the opinion of a Steamship Inspector, the number of extinguishers hereinbefore specified would not be sufficient, he may require such additional number to be provided as he considers necessary in the circumstances.

*Cargo Spaces*

5. (1) Every Class A ship shall be provided with apparatus whereby at least two powerful jets of water can be rapidly and simultaneously directed into any cargo space.

(2) Every Class A ship of 1,000 tons, gross tonnage, and upwards, shall be provided with apparatus whereby fire smothering-gas, sufficient to give a minimum volume of free gas equal to thirty per cent of the gross

**Canada Shipping Act—continued**

volume of the largest hold in the ship, can be promptly conveyed by a permanent piping system into any compartment in which cargo is carried; provided that, in the case of ships propelled by steam engines, the Board may allow the use of steam in lieu of smothering-gas, if satisfied that a volume of steam equivalent to the volume of gas required by this subsection will always be available.

(3) Where it is proposed to use steam as a substitute for smothering-gas in a steam-driven ship full details shall be submitted for the information of the Board.

*Machinery and Bunker Spaces*

6. Every Class A ship shall be provided with apparatus whereby at least two powerful jets of water can be rapidly and simultaneously directed into any part of the coal bunker spaces, boiler rooms or engine rooms.

7. Every Class A ship in which the main boilers are coal-fired, shall be provided with at least two approved portable fluid fire extinguishers in each of the boiler rooms and engine rooms.

8. (1) Every Class A ship in which the main boilers are oil-fired, shall be provided with

- (a) conductors for spraying water on oil without undue disturbance of the surface;
- (b) a receptacle containing at least ten cubic feet of sand, sawdust impregnated with soda, or other approved dry materials, in each firing space, and scoops for distributing such material;
- (c) two approved portable extinguishers constructed to discharge froth, in each boiler room and in each space in which a part of the oil fuel installation is situated;
- (d) approved apparatus whereby froth can be rapidly discharged and distributed over the whole of the lower part of the boiler room, or of any one boiler room, if there are more than one, or of any space in which oil fuel units or settling tanks are situated; the quantity of froth which can be discharged shall be sufficient to cover to a depth of six inches the whole area of the plating formed in any one compartment by the inner bottom plating, or by the shell plating of the vessel if there is no double bottom tank; if the engine and boiler rooms are not entirely separate, and fuel oil can drain from the boiler room bilges into the engine room, the combined engine and boiler rooms shall be considered as one compartment; the apparatus shall be controlled from outside the compartments into which it is required to discharge froth; and
- (e) one approved extinguisher, constructed to discharge froth, of at least thirty gallons capacity, in ships having one boiler room, and two such extinguishers in ships having more than one boiler room; these extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler rooms and spaces containing oil fuel units.

(2) All containers and the valves by which such containers are operated shall be easily accessible, and so placed that they will not readily be cut off from use by an outbreak of fire.

9. (1) Every Class A motorship shall comply with the requirements of paragraph (a) of subsection (1) of section 8, and shall be provided, in

**Canada Shipping Act—continued**

each of the engine rooms, with at least one approved ten-gallon extinguisher constructed to discharge froth, fitted with suitable hose attachments or other approved means for distributing the froth, and also with one approved portable extinguisher constructed to discharge froth for each 1,000 B.H.P. of the engines, or part thereof, so, however, that the total number of portable extinguishers so provided shall not be less than two and need not exceed six.

(2) Where in any motorship a donkey boiler is situated in an engine room, there shall be provided in that space, in place of the ten-gallon extinguisher required by subsection (1), an extinguisher of thirty gallons capacity, fitted with suitable hose attachments or other approved means for distributing the froth.

*Pumps*

10. (1) Every Class A ship of 4,000 tons, gross tonnage and upwards shall be provided with at least three fire pumps, operated by steam or other motive power, and every such ship under 4,000 tons gross tonnage, with at least two such fire pumps.

(2) Each of such fire pumps shall be capable of delivering such quantity of water as the Board may deem sufficient, in two powerful jets simultaneously in any part of the ship.

(3) Each of such fire pumps shall be provided with effective escape valves, suitably adjusted, and so-placed as to prevent excessive pressure in any part of the water service system.

(4) When more than two such pumps are required they shall not all be fitted in the same space.

(5) In ships in which the main boilers are oil-fired, if the engine and boiler rooms are not entirely separated by a steel bulkhead, and if fuel oil can drain from the boiler room bilges into the engine room, one of the fire pumps shall be situated in the tunnel or in some other space outside the engine room or boiler room.

*Water-Service Pipes*

11. (1) Every Class A ship shall be provided with water-service pipes of ample size and made of suitable material, to the satisfaction of the Board.

(2) On every Class A ship the branch water-service pipes and hydrants shall be so placed on each deck that the fire hoses may be easily coupled to them.

(3) Cocks or valves shall be fitted in such positions on the water-service pipes or branches so that any of the fire hoses may be removed while the fire pumps are at work.

*Fire Hoses*

12. (1) Every Class A ship shall be provided with such number of fire hoses as the Board may deem sufficient; the fire hoses shall be of approved material and provided with the necessary fittings.

(2) Each of the hoses shall be of sufficient length to project a jet of water to any part of the space in which it is intended to be used.

**Canada Shipping Act—continued**

*Smoke Helmets and Safety Lamps*

13. Every Class A ship shall be provided with at least two approved equipments, each consisting of a breathing apparatus or smoke helmet, and a safety lamp, and these equipments shall be kept in widely separated places, provided that ships not in excess of 250 feet in length, that are home-trade steamships, Class III, home-trade steamships, Class IV, inland steamships, Class II, minor waters steamships, Class I, or minor waters steamships, Class II, are required to be provided with one such equipment only.

*Fire Buckets*

14. Every Class A ship shall be provided with such fire buckets, if any, as the Board may prescribe; where fire buckets are required to be provided in any ship they shall be kept full of water.

*Emergency Appliances*

15. Every Class A ship shall be provided with such outfit of emergency fire appliances, including axes and other tools, as the Board may consider sufficient.

CLASS B SHIPS

*Spaces Occupied by Passengers and Crew*

16. (1) Every Class B ship shall be provided with apparatus whereby a powerful jet of water can be rapidly brought to bear upon any part of each deck or space occupied by passengers or crew.

(2) On each deck of every Class B ship there shall be provided, in each enclosed space occupied by passengers or crew, approved portable fluid fire extinguishers, so that there shall be at least one such extinguisher for every fifty feet of length, or part thereof, of such space; provided that if any such space is so subdivided or arranged that, in the opinion of a Steamship Inspector, the number of extinguishers hereinbefore specified would not be sufficient, he may require such additional number of extinguishers to be provided as he considers necessary in the circumstances.

*Store Rooms and Cargo Spaces*

17. Every Class B ship shall be provided with apparatus whereby a powerful jet of water can be rapidly directed into any store room or cargo space.

*Machinery and Bunker Spaces*

18. Every Class B ship shall be provided with apparatus whereby a powerful jet of water can be rapidly directed into any part of the coal bunker spaces, boiler rooms or engine rooms.

19. (1) Every Class B ship in which the boilers are oil-fired, shall be provided with

- (a) a conductor for spraying water on oil, without undue disturbance of the surface;
- (b) a receptacle containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials, in each firing space, and scoops for distributing such material;



**Canada Shipping Act—continued**

- (c) two approved portable extinguishers constructed to discharge froth, in the boiler room and in each space in which a part of the oil fuel installation is situated; and
- (d) two approved extinguishers, constructed to discharge froth, each of at least ten gallons capacity, with hoses suitable for reaching any part of the boiler room and spaces containing oil fuel units; provided that, in ships not exceeding seventy-five feet in length one such extinguisher only need be provided.

(2) All containers, and the valves by which such containers are operated, shall be easily accessible, and so placed that they will not readily be cut off from use by an outbreak of fire.

20. (1) Every Class B motorship, the engines of which use fuel oil of a flash-point of not less than 150°F., shall be provided, in the engine room, with extinguishers constructed to discharge froth, as follows:

- (a) if the ship is in excess of one hundred feet in length, with at least one approved ten-gallon extinguisher, and two approved portable extinguishers;
- (b) if the ship is in excess of seventy-five feet in length, but not in excess of one hundred feet in length, with at least one approved five-gallon extinguisher and two approved portable extinguishers;
- (c) if the ship is in excess of fifty feet in length, but not in excess of seventy-five feet in length, with two approved portable extinguishers; and
- (d) if the ship is not in excess of fifty feet in length, with one approved portable extinguisher.

(2) Every Class B motorship, the engines of which use fuel oil of a flashpoint of less than 150°F., shall, in addition to the equipment required by subsection (1), be provided, in the engine room, with one tetrachloride fluid extinguisher of the hand pump type, of not less than one and one-quarter quarts capacity for each froth extinguisher required.

*Pumps*

21. (1) Every Class B ship shall be provided with at least one fire pump of ample capacity, operated by steam or other motive power.

(2) Every Class B ship, in excess of fifty feet in length, in which the boilers are oil-fired, and every Class B motorship, in excess of fifty feet in length, shall be provided with an additional fire pump connected to the water-service pipes; such pump shall not be placed in the same compartment with the pump required by subsection (1), and may be a manual bilge pump of the rotary type of large power situated on deck in a position away from the engine room; the sea suction valve shall be capable of being controlled from outside the engine room.

*Water-Service Pipes, Fire Hoses, Fire Buckets and Emergency Appliances*

22. Every Class B ship shall comply with the requirements of sections 11, 12, 14 and 15.

Canada Shipping Act—continued

CLASS C SHIPS

*Fire Buckets*

23. (1) Every Class C ship shall be provided, in accordance with its length, with fire buckets, of ample capacity and suitable for the purpose for which they are intended, in accordance with the following scale:

<i>Length of ship</i>	<i>Number of buckets</i>
Not exceeding 35 feet .....	1
Exceeding 35 feet but not exceeding 75 feet .....	2
Exceeding 75 feet .....	4

(2) The fire buckets shall be placed in convenient and accessible positions so that they will be readily available in case of fire.

*Sand*

24. Every Class C ship shall be provided with a receptacle containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials, and a scoop for distributing such material.

*Fire Extinguishers*

25. (1) Every Class C ship shall be provided with approved fire extinguishers in accordance with the following:

- (a) ships not exceeding thirty-five feet in length—one tetrachloride fluid extinguisher of one and one-quarter quarts capacity, of the hand pump type, and one extinguisher, constructed to discharge froth, of a capacity of at least two gallons;
- (b) ships exceeding thirty-five feet but not exceeding fifty feet in length—two tetrachloride fluid extinguishers, each of one and one-quarter quarts capacity, of the hand pump type, and one extinguisher, constructed to discharge froth, of a capacity of at least two gallons;
- (c) ships exceeding fifty feet but not exceeding seventy-five feet in length—two tetrachloride fluid extinguishers, each of one and one-quarter quarts capacity, of the hand pump type, and two extinguishers constructed to discharge froth, each of a capacity of at least two gallons; and
- (d) ships exceeding seventy-five feet in length—such number of tetrachloride fluid extinguishers and such number of extinguishers constructed to discharge froth, of such size as the Board may deem sufficient.

(2) Such fire extinguishers shall be placed in positions ready for immediate use, and one shall be placed at each end of the vessel.

26. Every Class C ship in excess of seventy-five feet in length shall be provided with at least one fire pump of ample capacity, operated by hand or power.

**Canada Shipping Act—continued**

## CLASS D SHIPS

*Foreign-Going Steamships and Home-Trade Steamships, Class I*

27. (1) Every Class D ship, that is a foreign-going steamship or a home-trade steamship, Class I, of 2,000 tons, gross tonnage, and upwards, shall be provided with

- (a) apparatus whereby at least two powerful jets of water can be rapidly and simultaneously brought to bear upon each space occupied by passengers, officers, or crew, or upon any part of each cargo space, or upon each coal bunker space;
- (b) apparatus whereby steam or smothering-gas may be conveyed to each compartment in which cargo is carried;
- (c) at least one approved portable fluid fire extinguisher in each space occupied by passengers, officers or crew; and
- (d) at least two approved equipments, each consisting of a breathing apparatus or smoke helmet, and a safety lamp, which equipments shall be kept in widely separated places.

(2) Every Class D ship, that is a foreign-going steamship, or a home-trade steamship, Class I, under 2,000 tons, gross tonnage, shall be provided with

- (a) apparatus whereby at least one powerful jet of water can be rapidly brought to bear upon each space occupied by passengers, officers or crew, or upon any part of each cargo space, or upon each coal bunker space;
- (b) at least one approved portable fluid fire extinguisher in each space occupied by passengers, officers or crew; and
- (c) at least one approved equipment consisting of a breathing apparatus or smoke helmet, and a safety lamp.

(3) Every Class D ship, that is a foreign-going steamship, or a home-trade steamship, Class I, in which the boilers are oil-fired, shall be provided with

- (a) approved apparatus whereby froth can be rapidly discharged and distributed over the whole of the lower part of the boiler room or with approved apparatus whereby steam or smothering-gas, in sufficient quantity, may be admitted to the lower part of the boiler room;
- (b) two approved portable extinguishers constructed to discharge froth, in the boiler room and in each space in which oil fuel units are situated;
- (c) one approved ten-gallon extinguisher constructed to discharge froth, in the boiler room; (this extinguisher shall only be required in a ship which has more than one boiler); and
- (d) a receptacle containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials in each firing space, and scoops for distributing such material.

(4) Every Class D motorship, that is a foreign-going steamship, or a home-trade steamship, Class I, shall be provided, in the engine room, with two approved portable extinguishers, constructed to discharge froth, when the brake horse-power of the engines does not exceed 500, and with one

**Canada Shipping Act—continued**

additional extinguisher of the same type for each additional 1,000 brake horse-power or part thereof; provided that not more than six such extinguishers shall be required.

*Home-Trade Steamships (Other than Home-Trade Steamships, Class I),  
Inland Steamships, and Minor Waters Steamships*

28. (1) Every Class D ship in excess of 150 feet in length, that is not a foreign-going steamship or a home-trade steamship, Class I, shall be provided with

- (a) apparatus whereby at least one powerful jet of water can be rapidly brought to bear upon each space occupied by passengers, officers or crew, or upon any part of each cargo space, or upon each coal bunker space; and
- (b) at least one approved portable fluid fire extinguisher in each space occupied by passengers, officers or crew, provided that in the case of a ship not exceeding 1,000 tons, gross tonnage, the number of such extinguishers need not exceed three.

(2) Every Class D ship in excess of 150 feet in length, that is not a foreign-going steamship, or a home-trade steamship, Class I, in which the boilers are oil-fired, shall be provided with

- (a) approved apparatus whereby froth can be readily discharged and distributed over the whole of the lower part of the boiler room, or with approved apparatus whereby steam or smothering-gas, in sufficient quantity, may be admitted to the lower part of the boiler room;
- (b) two approved portable extinguishers constructed to discharge froth, in the boiler room, and in each space in which oil fuel units are situated;
- (c) one approved ten-gallon extinguisher constructed to discharge froth, in the boiler room; (this extinguisher shall only be required in a ship which has more than one boiler); and
- (d) a receptacle containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials, in each firing space, and scoops for distributing such material.

(3) Every Class D motorship, that is in excess of 150 feet in length and is not a foreign-going steamship or a home-trade steamship, Class I, the engines of which use fuel oil of a flashpoint of not less than 150°F., shall be provided, in the engine room, with two approved portable extinguishers constructed to discharge froth, when the brake horse-power of the engines does not exceed 500, and with one additional extinguisher of the same type for each additional 1,000 brake horse-power or part thereof, provided that not more than six such extinguishers shall be required in any case.

(4) Every Class D motorship that is in excess of 150 feet in length, the engines of which use fuel oil of a flashpoint of less than 150°F., shall, in addition to the equipment required by subsection (3), be provided, in the engine room, with one tetrachloride fluid extinguisher of the hand pump type, of not less than one and one-quarter quarts capacity, for each froth extinguisher required.



**Canada Shipping Act**—*continued*

29. (1) Every Class D ship not in excess of 150 feet in length, that is not a foreign-going steamship or a home-trade steamship, Class I, shall be provided with

- (a) apparatus whereby at least one powerful jet of water can be rapidly brought to bear on any part of the ship, provided that this requirement shall not apply to an open motor ship not exceeding fifty feet in length;
- (b) at least one approved portable fluid fire extinguisher in each space occupied by passengers, officers or crew, provided that the number of such extinguishers need not exceed three.

(2) Every Class D ship, not in excess of 150 feet in length, that is not a foreign-going steamship or a home-trade steamship, Class I, in which the boiler is oil-fired, shall be provided

- (a) in the boiler room, with approved portable extinguishers constructed to discharge froth, in accordance with the following scale:

<i>Length of Ship</i>	<i>Number of extinguishers</i>
Not exceeding 50 feet.....	1
Exceeding 50 feet but not exceeding 75 feet....	2
Exceeding 75 feet.....	4

- (b) with a receptacle containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials, in each firing space, and scoops for distributing such material.

(3) Every Class D motorship not in excess of 150 feet in length and that is not a foreign-going steamship or a home-trade steamship, Class I, the engines of which use fuel oil of a flashpoint of not less than 150°F., shall be provided with approved portable extinguishers, constructed to discharge froth, in accordance with the following scale:

<i>Length of Ship</i>	<i>Number of extinguishers</i>
Not exceeding 75 feet.....	1
Exceeding 75 feet.....	2

(4) Every Class D motorship not in excess of 150 feet in length, the engines of which use fuel oil of a flashpoint of less than 150°F., shall, in addition to the equipment required by subsection (3), be provided with one tetrachloride fluid extinguisher of the hand pump type, of not less than one and one-quarter quarts capacity, for each froth extinguisher required.

- (5) The extinguishers required to be provided by subsections (3) and (4) shall be so placed near the engine as to be readily available.

*Pumps*

30. (1) Every Class D ship that is a foreign-going steamship or a home-trade steamship, Class I, and every other ship of Class D of 1,000 tons, gross tonnage, and upwards, shall be provided with at least two fire pumps of ample capacity, operated by steam or other motive power.

(2) Every Class D ship of less than 1,000 tons, gross tonnage, that is not a foreign-going steamship or a home-trade steamship, Class I, shall be provided with at least one fire pump of ample capacity operated by steam or other motive power; provided that

**Canada Shipping Act—continued**

- (a) a decked motorship not in excess of fifty feet in length may be provided with a hand pump of ample capacity; and
- (b) an open motorship not in excess of fifty feet in length need not be provided with a fire pump, but shall be provided with at least two fire buckets of ample capacity.

*Water-Service Pipes, Fire Hoses, Fire Buckets and  
Emergency Appliances*

31. (1) Every Class D ship, required by section 30 to be provided with fire pumps, shall comply with the requirements of sections 11 and 12.

(2) Every Class D ship shall comply with the requirements of sections 14 and 15.

*Special Ships*

32. (1) Barges, scows and like vessels that are certified to carry passengers and are towed by a steamship, or are operated on a cable by hand power, shall, if they carry vehicles propelled by internal combustion engines, be provided with one approved portable extinguisher, constructed to discharge froth, and two receptacles containing a suitable quantity of sand, sawdust impregnated with soda, or other approved dry materials, and scoops for distributing such material; the receptacles containing the sand or dry material shall be placed at widely separated parts of the vessel.

(2) Barges, scows and like vessels that are certified to carry passengers and are operated on a cable by mechanical power and are not towed, shall be provided with approved fire extinguishers as follows:

- (a) vessels not exceeding 35 feet in length—one tetrachloride extinguisher of one and one-quarter quarts capacity, of the hand pump type, and one extinguisher constructed to discharge froth, of a capacity of at least two gallons;
- (b) vessels exceeding thirty-five feet but not exceeding fifty feet in length—two tetrachloride fluid extinguishers, each of one and one-quarter quarts capacity, of the hand pump type, and one extinguisher constructed to discharge froth, of a capacity of at least two gallons;
- (c) vessels exceeding fifty feet but not exceeding seventy-five feet in length—two tetrachloride fluid extinguishers, each of one and one-quarter quarts capacity, of the hand pump type, and two extinguishers constructed to discharge froth, each of a capacity of at least two gallons;
- (d) vessels exceeding seventy-five feet in length—such number of tetrachloride fluid extinguishers, and such number of extinguishers constructed to discharge froth, of such size as the Board may deem sufficient.

33. Wooden steamships, steel steamships having a considerable amount of woodwork in their superstructures, and steamships that are engaged in the carriage of vehicles propelled by internal combustion engines or carry cargo of such a nature as to involve an extra fire risk shall, in addition to any fire extinguishing equipment required by these regulations, carry such equipment as the Board may, in general or in any particular case, require.

**Canada Shipping Act—continued**

## GENERAL

34. Additional equipment may be required by the Board to be provided in any steamship to meet any particular condition involving, in their opinion, extra fire risk.

35. (1) Where not otherwise provided in these regulations, the capacity of portable extinguishers of any type shall be not more than three gallons and not less than two gallons.

(2) Portable fluid fire extinguishers required by these regulations to be provided in passenger and crew spaces of ships of Classes A, B and D shall be of the type discharging water; provided that in any ship extinguishers discharging a medium other than water may be carried up to twenty per cent of the number required by these regulations.

(3) The portable fluid fire extinguishers provided in any ship in accordance with these regulations shall be limited to such number of types as the Board may, from time to time, prescribe.

(4) Extinguishers provided in ships in accordance with these regulations shall be marked, to the satisfaction of the Board, to show when they were last charged.

(5) Every ship that is a foreign-going steamship or a home-trade steamship, Class I, shall be provided with spare charges for the extinguishers, as may be prescribed by the Board.

36. All equipment, apparatus or appliances provided in accordance with these regulations shall be in working order and available for immediate use before the ship leaves port, and at all times during the voyage.

## EQUIVALENTS AND EXEMPTIONS

37. Notwithstanding anything contained in these regulations

(a) Where it is required that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made in a ship, the Board may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made if they are satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these regulations; provided that where a carbon dioxide system is used to replace the froth installation required by paragraph (d) of subsection (1) of section 8,

(i) the quantity of carbon dioxide carried shall be sufficient to give a gas saturation of twenty-five per cent of the gross volume of the boiler room, measured to the tops of the boilers; provided that if a ship has more than one boiler room the quantity of gas required shall be based on the largest boiler room, and the arrangements shall be such as to permit of the whole charge being released into any one boiler room; and provided, further, that if the engine room and boiler room are not entirely separate and fuel oil can drain from the boiler room bilges into the engine room, the combined engine and boiler room shall be considered as one compartment in determining the quantity of gas required;

**Canada Shipping Act—continued**

- (ii) the whole charge of gas shall be capable of being released instantaneously by operating one valve, and the gas bottles shall be fitted with internal pipes to ensure that they are completely discharged;
  - (iii) provision shall be made to prevent the inadvertent release of the gas, and alarms shall be arranged to give warning in the boiler room when the gas is about to be released; and
  - (iv) provision shall be made to prevent the admission of air to the lower part of the boiler room when the carbon dioxide system is in operation.
- (b) The Board may, on such conditions as they think fit, exempt any ship that is a steamship certified to carry more than twelve passengers on international voyages, the keel of which was laid before the first day of July, 1931, or any other ship the keel of which was laid before the first day of August, 1936, from any of the requirements of these regulations if they are satisfied that that requirement is either impracticable or unreasonable in the case of that ship.
- (c) Where, in the opinion of the Board, it would be unreasonable in the case of a small ship other than a steamship certified to carry more than twelve passengers, that is a foreign-going steamship or a home-trade steamship, Class I or Class II, engaged on international voyages, to require that such ship carry the equipment prescribed by these regulations, the Board may, in their discretion, and subject to such conditions as they may impose, exempt that ship from compliance with the provisions of these regulations.

**30. Regulations *re* the construction of sealing ships**

P.C. 1954-1817

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 410 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations respecting the construction of sealing ships, established by Order in Council P.C. 1953-1237 of 5th August, 1953, are hereby revoked; and

2. The annexed "Regulations respecting the construction of sealing ships" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE CONSTRUCTION OF SEALING SHIPS

1. These regulations deal primarily with the construction of new wooden sealing ships.

2. In these regulations

- (a) "approved" means approved by the Board of Steamship Inspection;
- (b) "Board" means the Board of Steamship Inspection;



**Canada Shipping Act—continued**

- (c) "existing ship" means a sealing ship which is not a new ship;
- (d) "Inspector" means a Steamship Inspector appointed pursuant to the provisions of section 376 of the Canada Shipping Act;
- (e) "new ship" means a sealing ship the keel of which was laid on or after the coming into force of these regulations, and includes a foreign ship which has been approved for registration in Canada whether built before or after the coming into force of these regulations; and
- (f) "sealing ship" means a ship engaged in sealing which is approved by the Board of Steamship Inspection as being suitable for sealing.

3. (1) All sealing ships shall be so constructed, fitted and equipped as to comply with the specifications set forth in the Schedules hereto, as follows:

- (a) Schedule A, General Specifications
- (b) Schedule B, Table of Scantlings
- (c) Schedule C, Fastenings
- (d) Schedule D, Anchor and Chain Cable Equipment
- (e) Schedule E, Hold and Deck Beams
- (f) Schedule F, Pounds

(2) Arrangements and scantlings considered by the Board to be equivalent to the requirements of these regulations may be accepted as complying with these regulations.

4. The following formula shall be applied in determining tonnage for the purposes of Schedules B, C, and D:

$$\frac{L \times b \times d \times .75}{100}$$

Where L=length in feet of the ship on the load waterline  
 b=breadth amidships in feet inside ceiling, and  
 d=depth amidships in feet from top of beam at centre line to top of ceiling on flat of bottom.

5. Motor engines shall be of approved design and shall have sufficient power to ensure that the ship will be capable of operating in open sea waters.

6. All ships shall be dry docked for underwater inspection once in each year between sealing seasons, provided that dry docking may take place at the owner's convenience, and provided further that prior to the commencement of each sealing season the owner, or the master, shall furnish the Inspector with a statement certifying that no serious damage has been sustained by the ship since it was last inspected in dry dock.

7. (1) Plans and data in the case of ships which are to exceed sixty feet registered length, shall be submitted in triplicate to the Board for approval, in accordance with Schedule G, prior to the commencement of construction.

(2) When approved, one copy of the plans and data shall be retained by the Board, one copy shall be returned to the owner, and one copy shall be forwarded to the Inspector.

**Canada Shipping Act—continued**

(3) The statutory fee for examination of plans shall accompany the submission; the remittance shall be made by cheque payable to the Receiver General of Canada and marked "For examination of plans".

8. All construction shall be in accordance with the approved plans and to the satisfaction of an Inspector.

9. Existing ships may be accepted, provided that in a case where defects are found they shall be made good in accordance with the provisions of these regulations, or other provision made which in the opinion of an Inspector is equivalent to the provisions of these regulations.

10. The construction of steel sealing ships shall be carried out in accordance with rules applicable to ships navigating in ice, issued by a classification society recognized by the Board.

SCHEDULES

Copies of Schedules A to G may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**31. Regatta and Marine Parade Safety Regulations**

P.C. 1954-1818

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to subsection (3) of section 645 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations relating to safety on navigable waters during regattas and marine parades, established by Order in Council P.C. 2765 of 5th November, 1937, are hereby revoked; and

2. The annexed "Regatta and Marine Parade Safety Regulations" are hereby made and established in substitution for the regulations hereby revoked.

REGATTA AND MARINE PARADE SAFETY REGULATIONS

1. These regulations may be cited as the *Regatta and Marine Parade Safety Regulations*.

2. In these regulations, "police officer" means a member of the Royal Canadian Mounted Police, a member of any harbour or river police or a member of any provincial, county or municipal police.

3. No regatta or marine parade shall be held in a manner or at a place which would have the effect of unnecessarily obstructing ordinary navigation.

4. During a race or marine parade no vessel shall pass along or across the course or move in waters immediately adjoining the course in such a manner or at such a rate of speed as to endanger participants in the race or parade or persons on vessels in the vicinity.

**Canada Shipping Act—continued**

5. A police officer having jurisdiction in the place where a regatta or marine parade is held may, in order to promote safety, forbid the movement, prior to, during or subsequent to any race or parade for such reasonable time as he may determine, of any vessel on the course or in waters adjoining the course; and every direction so given shall be observed and executed by the person in charge of every such vessel.

6. The signal for a vessel to stop is a succession of short sharp blasts of the whistle, horn or other signalling device of the vessel carrying the police officer.

7. (1) Every person who contravenes any of the provisions of these regulations is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(2) Where a vessel is operated in contravention of these regulations the owner is liable to the penalty prescribed by subsection (1) unless, at the time of such contravention, the vessel was not operated by the owner or by any other person with the owner's consent, express or implied.

**32. Regulations *re* steering wheels, indicators and telltales**

P.C. 1954-1819

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 459 of the Canada Shipping Act, is pleased, hereby, to revoke the regulations made and established by Order in Council P.C. 1568 of 13th June, 1935, respecting the arrangement of steering wheels, indicators and telltales, and, in substitution therefor, to make the following regulations and they are hereby made and established, accordingly.

## REGULATIONS RESPECTING STEERING WHEELS, INDICATORS AND TELLTALES

1. The steering wheel of every Canadian ship shall be so arranged that it shall be moved to starboard to turn the head of the ship to starboard, and to port to turn the head of the ship to port.

2. Where indicators or telltales are fitted in a Canadian ship they shall be so arranged as to show the direction and amount of movement of the rudder blade.

Canada Shipping Act—concluded

**33. Shipping Casualties Appeal Rules**

P.C. 1954-1860

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 578 of the Canada Shipping Act, is pleased, hereby, to revoke the rules established by Order in Council P.C. 333 of 18th January, 1944, relating to re-hearings of and appeals from formal investigations into shipping casualties, and is pleased to make, in substitution therefor, the annexed "Shipping Casualties Appeal Rules", and they are hereby made and established, accordingly.

SHIPPING CASUALTIES APPEAL RULES

*Interpretation*

1. These regulations may be cited as the *Shipping Casualties Appeal Rules*.

2. In these regulations,

- (a) "Act" means the Canada Shipping Act;
- (b) "appeal" means an appeal under subsection (3) of section 576 of the Act;
- (c) "court" means any court constituted under the provisions of section 558 of the Act;
- (d) "Exchequer Court" means the Exchequer Court of Canada on its Admiralty side, presided over by the president or a puisne judge of the Exchequer Court of Canada;
- (e) "judge" means the president or a puisne judge of the Exchequer Court of Canada;
- (f) "Minister" means the Minister of Transport;
- (g) "party" means a party to the proceedings of a formal investigation under the Shipping Casualties Rules; and
- (h) "Registrar" means the Registrar of the Exchequer Court of Canada on its Admiralty side at Ottawa.

*Re-Hearing by Order of the Minister*

3. (1) Where a formal investigation has been held, any party thereto may make application to the Minister for an order that the investigation be re-heard, either generally or as to any part thereof.

(2) An application under this section shall be made to the Minister within twenty-eight days of the statement in open court of the decision of the court or of the receipt of such decision by the Minister.

4. Where the Minister makes an order directing a re-hearing, he shall cause such reasonable notice to be given to the parties whom he considers to be affected by the re-hearing as the circumstances of the case may, in the opinion of the Minister, permit, and he shall also cause a copy of such order to be filed forthwith with the Registrar.



**Canada Shipping Act—continued**

5. Where the Minister refuses to make an order directing a re-hearing, he shall cause notice of such refusal to be given to the applicant and a copy thereof to be filed forthwith with the Registrar.

6. The provisions of sections 11, 12, 13, 14, 15, and 16 apply to a re-hearing as if it were an appeal and as if the court or authority before whom the re-hearing takes place were the Exchequer Court.

*Appeals to the Exchequer Court**Time for Appeal*

7. No appeal shall be brought except

- (a) where no application has been made to the Minister under section 576 of the Act for an order directing a re-hearing of the investigation, within twenty-eight days from the date on which the decision was stated in open court; or
- (b) where an application to the Minister under section 576 of the Act for an order directing a re-hearing of the investigation has been refused, within twenty-eight days from the date on which the notice of such refusal is filed with the Registrar;

but such periods may be extended by leave of a judge on application made by the appellant within such period.

*Procedure*

8. (1) An appeal to the Exchequer Court shall be brought by notice of appeal filed with the Registrar and served within the periods prescribed by section 7 or any extension thereof upon all parties to the proceedings directly affected by the appeal.

(2) The notice of appeal shall state the grounds of appeal and whether the appeal is from the whole or part only of the decision of the court and, if from part only, shall specify such part.

9. The appellant shall within thirty days of the date of filing of the notice of appeal give security to the satisfaction of the Exchequer Court for the cost of the appeal.

10. When an appeal is ready for hearing a judge may, on application of any of the parties served with notice of the appeal and on notice thereof served on all the other parties, fix the time and place of hearing of the appeal, and may direct when and in what manner, and upon whom, the notice of hearing of the appeal together with a copy of the judge's order is to be served, and such notice and order shall be served accordingly.

11. In hearing an appeal the Exchequer Court shall be assisted by not less than two assessors to be selected by the judge, having regard to the nature of the case, from persons having nautical, engineering or special skill in the matter to be enquired into, and such persons shall, if available, be selected from the list of assessors appointed by the Minister under section 562 of the Act.

12. The Exchequer Court may if it thinks fit order any person other than the parties served with a notice of appeal to be added as a party to the proceedings for the purposes of the appeal, on such terms with

**Canada Shipping Act—continued**

respect to costs and otherwise as the Exchequer Court may think fit, and any party to the proceedings may object to the appearance on the appeal of any other party to the proceedings as unnecessary.

13. The evidence taken before the court from whose decision the appeal is brought shall be proved on appeal before the Exchequer Court by a copy of the notes of the court, or a transcript of the evidence adduced before the court, if taken by shorthand, duly certified, together with all affidavits, declarations, exhibits and other evidence received by the court, or by such other material as the Exchequer Court thinks expedient, which together with the decision of the court from which the appeal is brought shall be transmitted to the Registrar by the Minister at least seven days before the day fixed for the hearing of the appeal; copies of the notes of the evidence and of the decision and other evidence shall be supplied by the Minister to the appellant on request and on payment of the cost of copying the same.

14. In hearing an appeal the Exchequer Court may receive further evidence on questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner; evidence may also be given with special leave of the Exchequer Court as to matters which have occurred since the date of the decision from which the appeal is brought.

15. The Exchequer Court shall have power to make such order as to the whole or any part of the costs of and occasioned by an appeal as it may think just.

16. Subject to the provisions of these regulations, every appeal shall be conducted under and in accordance with the general rules applicable to appeals to the Exchequer Court of Canada in Admiralty, but there shall not be anything in the nature of pleadings other than the notice of appeal except by special permission of the Exchequer Court.

17. The Exchequer Court shall, forthwith upon rendering a decision on an appeal, cause a copy of the decision and of the reasons therefor to be sent to the Minister.

**34. Shipping Casualties Rules**

P.C. 1954-1861

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 578 of the Canada Shipping Act, is pleased to order as follows:

1. The Rules relating to preliminary inquiries and formal investigations into shipping casualties, established by Order in Council P.C. 6517 of 4th December, 1951, are hereby revoked; and

2. The annexed "Rules relating to Preliminary Inquiries and Formal Investigations into Shipping Casualties" are hereby made and established in substitution for the rules hereby revoked.

**Canada Shipping Act—continued**RULES RELATING TO PRELIMINARY INQUIRIES AND FORMAL INVESTIGATIONS  
INTO SHIPPING CASUALTIES*Short Title*

1. These rules may be cited as the *Shipping Casualties Rules*.

*Interpretation*

2. In these regulations,

- (a) "Act" means the Canada Shipping Act,
- (b) "Court" means an officer of the Government of Canada, a judge of a court of record, District Judge in Admiralty of the Exchequer Court of Canada, or a stipendiary or police magistrate, appointed a Commissioner by the Minister to hold formal investigations or any formal investigation;
- (c) "Department" means the Department of Transport;
- (d) "inquiry" means a preliminary inquiry into a shipping casualty;
- (e) "investigation" means a formal investigation into a shipping casualty; and
- (f) "Minister" means the Minister of Transport.

*Preliminary Inquiry*

3. A person appointed by the Minister to hold an inquiry may be notified by telegram, letter or otherwise, of such appointment, and upon receipt of such notification may proceed to investigate the causes which led to the casualty, examine witnesses and generally adduce evidence in connection therewith for the sole information of the Minister.

4. As soon as possible after the conclusion of an inquiry the person holding the inquiry shall report to the Minister in accordance with section 557 of the Act.

5. Upon receipt of the report of an inquiry, the Minister may, subject to the provision of the Act, order an investigation to be held.

6. The licence of a pilot shall not be suspended by a person holding an inquiry except as expressly provided by subsection (2) of section 555 of the Act.

*Notice of Investigation*

7. (1) When an investigation has been ordered, the Minister may cause a notice, to be called a notice of investigation, to be served on the owner, master, and officers or any ship involved in the casualty that is to be investigated and on any other person who in his opinion ought to be made party to the proceedings.

(2) A notice of investigation shall contain a statement of the case, together with a statement of the questions which, on the information then available, are to be raised on the hearing of the investigation, and shall be in the form of Form No. 1 of the Schedule, with such variation as circumstances may require.

(3) An officer of the Department thereunto authorized by the Minister may, at any time before the hearing of an investigation, by a subsequent notice amend, add to, or delete any of the questions specified in the notice of investigation.

**Canada Shipping Act—continued**

*Parties*

8. The Minister and any person upon whom a notice of investigation has been served, shall be a party to the proceedings.

9. Any person may, by leave of the Court, enter an appearance, and any person who enters an appearance under this section shall thereupon become a party to the proceedings.

*Statement of the Case*

10. The statement of the case contained in a notice of investigation shall consist of the date, place and nature of the accident to the vessel or vessels into which such investigation has been ordered.

*Notice to Produce*

11. A party may give to any other party notice in writing to produce any documents, saving all just exceptions, relating to the matters in question, which are in the possession or under the control of such other party and, if the notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice.

*Notice to Admit*

12. A party may give to any other party notice in writing to admit any documents, saving all just exceptions, and in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the Court is of opinion that the refusal to admit was reasonable, and no costs of proving any document shall be allowed unless such notice has been given, except where the omission to give the notice has, in the opinion of the officer by whom the costs are taxed, caused a saving of expense.

*Evidence*

13. The Court may admit as evidence affidavits, statutory declarations, rogatory commissions and other evidence made or taken under the laws of Canada or any other country in any case in which the Court deems it fit and proper to have evidence so presented.

*Witnesses*

14. When the Court requires the attendance of a witness the notice to be sent to the witness shall be in the form of Form No. 2 of the schedule with such variations as the circumstances may require.

*Proceedings in Court*

15. At the time and place appointed for holding an investigation the Court may proceed with the investigation, whether the parties, or any of them, are present or not.

16. (1) An investigation shall commence with the calling of witnesses on behalf of the Department, who may be examined, cross-examined and re-examined in such order as the Court may direct.

(2) Questions asked and documents tendered as evidence in the course of the examination of witnesses called on behalf of the Department shall not be open to objection merely on the ground that they do or may



**Canada Shipping Act—continued**

raise questions which are not contained in, or which may vary from, the statement of the case, or questions specified in the notice of investigation or subsequent notices referred to in section 7.

17. (1) When the examination of the witnesses called on behalf of the Department has been concluded, the representative of the Department shall state in open Court the questions concerning the casualty, and the conduct of the certificated officers or other persons connected therewith, upon which the opinion of the Court is desired.

(2) In framing the questions for the opinion of the Court, any officer of the Department thereunto authorized by the Minister may make such modifications in, additions to, or deletions from the questions in the notice of investigation or subsequent notices referred to in section 7, as, having regard to the evidence, he may deem necessary.

18. After the questions for the opinion of the Court have been stated, the Court shall hear the parties to the investigation, and shall determine the questions so stated; each party to the investigation may address the Court and produce witnesses, or recall any of the witnesses who have already been examined for further examination, and generally adduce evidence; the parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct; and there may be produced and examined on behalf of the Department further witnesses, who may be cross-examined by the parties, and re-examined for the Department.

19. When the whole of the evidence in relation to the questions for the opinion of the Court has been presented any of the parties may address the Court upon the evidence, and the representative of the Department may address the Court in reply upon the whole case.

20. The Court may adjourn the investigation from time to time and from place to place and where an adjournment is asked for by any party to the investigation the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

21. Except when the certificate of an officer is cancelled or suspended, in which case the decision shall be given in open Court, the Court may deliver its decision either *viva voce* or in writing sent or delivered to the parties.

22. The Court may order the costs and expenses of the investigation, or any part thereof, to be paid by any party.

23. As soon after the conclusion of the investigation as possible, the Court shall report to the Minister its finding.

24. The Department shall, on application by any party to the proceedings, give him a copy of the report made to the Minister.

*Service of Notice*

25. Any notice, summons, or other document issued under these rules, may be served by sending it by registered letter to the address of the person to be served.

26. The service of any notice, summons, or other document may be proved by the oath or affidavit of the person by whom it was served.

**Canada Shipping Act—continued**

*Appointment of Assessors*

27. Assessors to be appointed shall be classified according to their qualifications, as follows:

- (a) Class I, persons who, while holding the required certificates of competency, have served as masters of British ships for at least three years, and
- (b) Class II, persons who, while holding the required certificates of competency, have served as engineers in any class equal to or higher than the class of certificate of any engineer whose certificate may be suspended or cancelled.

28. Where any investigation involves or may involve the cancellation or suspension of the certificate of a master, mate, pilot or engineer, there shall be appointed not less than two assessors from Class I and Class II or from either of those classes.

29. Subject to any special appointment or appointments which the Minister may think it expedient to make, in any case where special circumstances appear to him to require a departure from these rules, assessors shall be appointed as follows:

- (a) where the investigation involves or may involve the cancellation or suspension of the certificate of a master, mate or pilot, but not of an engineer, at least two assessors shall be appointed from Class I.
- (b) where the investigation involves or may involve the cancellation or suspension of the certificate of an engineer, one at least of the assessors shall be appointed from Class II.

30. An appointment made by the Minister of any assessor or assessors for an investigation, shall not be questioned on the ground that it was not in accordance with these rules, or does not give full effect to the requirements of these rules.

*Computation of Time*

31. In computing the number of days within which anything may be done under these rules, they shall be reckoned exclusive of the first and inclusive of the last day, unless the last day falls on a Sunday, Christmas Day, Good Friday, or a day appointed for a public feast, thanksgiving or holiday, in which case the time shall be reckoned exclusive of that day also.

**Appendix**

*Forms*

COURT OF INVESTIGATION

*Form No. 1—Notice of Investigation*

To

I hereby give you notice that the Minister of Transport of Canada has ordered a formal investigation into the circumstances attending the

.....  
and that subjoined hereto is a copy of a report (or statement of the case) upon which the said investigation has been ordered. I further give you notice to produce to the Court (your certificate or licence, the log books of the vessel, and) any (other) documents relevant to this case which may be in your possession.



**Canada Shipping Act—continued**

You are notified that this Court has power to declare the certificate or licence of such master, mate, engineer or pilot as may be at fault, to be suspended or cancelled, and to impose such fines and costs as are provided for in the statute hereinbefore referred to.

GIVEN under my hand and seal at .....  
 this ..... day of ..... 19....  
 To

.....  
 ..... Commissioner.  
 .....  
 .....  
 .....

**35. Grain Loading Regulations**

P.C. 1954-1862

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 617 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the loading and carriage of grain cargoes, established by Order in Council P.C. 3473 of 25th July, 1950, as amended, are hereby revoked; and

2. The annexed "Regulations for the loading and carriage of grain cargoes" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE LOADING AND CARRIAGE OF GRAIN CARGOES  
 IN VESSELS LOADED AT CANADIAN PORTS

1. These regulations may be cited as the *Grain Loading Regulations*.
2. In these regulations,
  - (a) "bin" means a section of the cargo space in the 'tween decks or superstructure completely enclosed on all sides;
  - (b) "grain" includes wheat, maize (corn), oats, rye, barley, rice, pulses and seeds;
  - (c) "heavy grain" means all grain other than oats, light barley, or cotton seed;
  - (d) "light barley" means barley which weighs:
    - 50 pounds or under per full bushel of 1·2445 cubic feet (U.S.A.)
    - 51,575 pounds or under per full bushel of 1·2837 cubic feet (UK.);
  - (e) "light grain" means oats, light barley or cotton seed.



**Canada Shipping Act—continued***Shifting Boards*

3. Shifting boards shall be of good sound timber of a minimum thickness of two inches, and fitted grain-tight.

4. The maximum unsupported span to be allowed for shifting boards of various thicknesses shall be as follows:—

Thickness	Span	Housing at Bulkheads
		inches
2-inch planks.....	Unsupported span not to exceed 8 feet.....	3
2½-inch planks.....	Unsupported span not to exceed 11 feet.....	3
3-inch planks.....	Unsupported span not to exceed 13 feet.....	3

5. Shifting boards shall be securely housed at bulkheads, and where permanent angle bars are not available for the purpose, wood cants shall be fitted not less than six inches in width and three inches in thickness and suitably shored.

6. Where 2½ inch or 3 inch shifting boards are used, the boards may be butt-joined in way of the uprights, and at least four inches of plank shall be supported. Where two inch shifting boards are used the joints shall overlap by at least nine inches in way of the uprights.

7. Where no special arrangements are made for grain-tight filling between beams, wood filling pieces of the same thickness as the shifting boards shall be fitted grain-tight between the beams, and shall be secured in place by cleats or scabs at both ends and fitted both sides. The cleats or scabs shall be at least two inches by four inches and shall extend the full depth of the filling piece and to an equal distance thereunder, and shall be securely spiked or bolted to the shifting boards and filling pieces.

*Uprights*

8. Wood uprights shall be not less than ten inches in width and two inches in thickness.

9. Uprights shall be cleated to the tanktop or ceiling where fitted, and when an upright is not securely housed at the top the uppermost supporting shores or stays shall be not more than eighteen inches below the deck or top of the upright.

10. (1) Where a tier of closely spaced pillars in a hold or compartment is utilized for supporting the shifting boards at the middle line, the sizes of the pillars shall be those approved by the rules of approved classification societies for deck beam pillars.

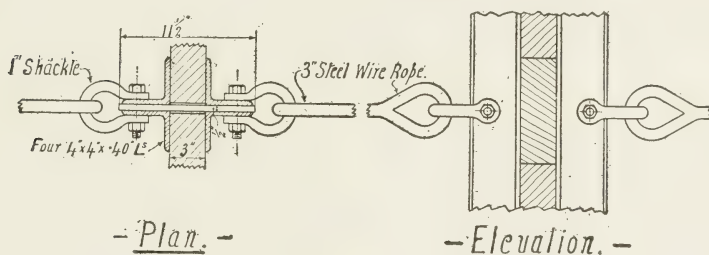
(2) Where the pillars are not reeled or staggered, additional support shall be provided by means of hook-bolts and vertical tieplates or uprights secured to the pillars. Such tieplates shall consist of plates not less than three inches in width and one-half inch in thickness and shall be through-bolted at intervals of not more than three feet.

11. (1) The horizontal distances between the centres of uprights shall be as specified in section four. Wood uprights used in association with wire stays, spaced as in section seventeen, shall be not less than eleven inches in width and three inches in thickness.

**Canada Shipping Act—continued**

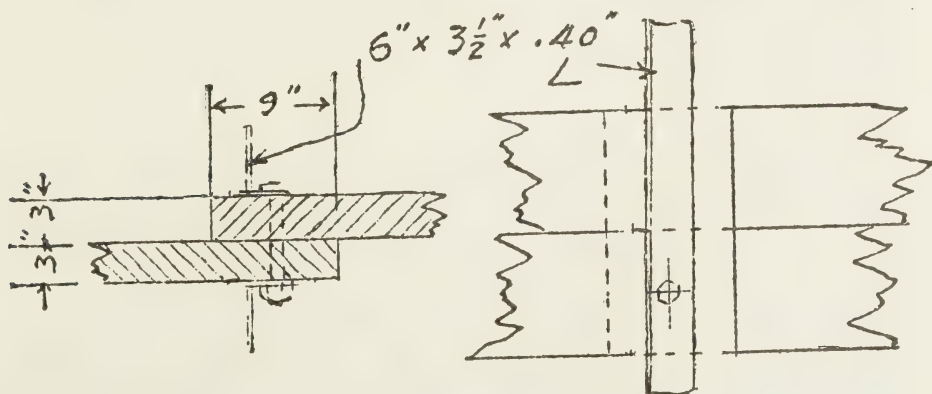
(2) The construction and dimensions of angle bar uprights used in association with wire stays shall conform to, or be equivalent to, the following:

- (a) Each upright shall consist of four angle bars  $4'' \times 4'' \times .40''$  and steel plate  $11\frac{1}{2}'' \times .50''$  riveted to form one complete structure allowing four inch housings on both forward and after sides. Equivalent brackets riveted to head and heel shall be fitted, each to take five  $\frac{7}{8}$  inch bolts with corresponding lugs and/or angles on tank top, tunnel top and hatch webs.



(b)

Horizontal Distance between centres of Uprights	Vertical Spans supported by each stay	Sizes of Angle Bars
8' (2" shifting boards).....	8'	3 " x 3 " x .38"
	11'	3 1/2 " x 3 1/2 " x .38"
	14'	4 1/2 " x 3 1/2 " x .44"
11' (2 1/2" shifting boards).....	8'	3 " x 3 " x .38"
	11'	4 " x 3 1/2 " x .40"
	14'	6 " x 3 1/2 " x .40"
13' (3" shifting boards).....	8'	3 " x 3 " x .38"
	11'	4 " x 3 1/2 " x .42"
	14'	6 " x 3 1/2 " x .40"



Canada Shipping Act—continued

(3) Vertical angle bars shall be connected at head and heel to the tanktop, tunnel top, deck beams, and hatch webs by angle lugs having two  $\frac{7}{8}$  inch bolts in each angle bar upright and equivalent fastenings to tanktop, tunnel top, deck beams, and hatch webs. The vertical angle bars shall be bolted together through the shifting boards by  $\frac{7}{8}$  inch bolts four feet apart.

Shores and Stays

12. Wood uprights shall be supported by steel wire rope stays set up at the ship's side, or by wood shores securely heeled against the permanent structure of the ship, or by other approved means. All wood shores shall be of good sound timber in a single piece.

Shores

13. The vertical spacing of wood shores shall be as follows: Except as provided in section nine the uppermost shore shall be not more than seven feet below the top of the upright and succeeding shores shall be spaced seven feet apart measured vertically from the uppermost shore downwards, except that a distance of eight feet may be allowed between the lowest shore and the heel support. Shores may be heeled on the tanktop or ceilings provided the heels are secured by cleats or cants and efficiently braced against the permanent structure. Shores shall not be heeled directly against the ship's side plating.

14. The sizes of wood shores shall be as follows:

Length of Shores	Minimum Sizes	
	Rectangular Section	Circular Section
		diameter
Not exceeding 16 feet.....	6" x 4"	5½"
Over 16 feet and not exceeding 20 feet.....	6" x 6"	7 "
Over 20 feet and not exceeding 24 feet.....	8" x 6"	7½"
Over 24 feet and not exceeding 28 feet.....	8" x 6"*	8 "
Over 28 feet.....	8" x 6"*	8½"

\* Securely bridged at mid-length.

Spliced shores shall *not be used*.

15. Where the spacing of the shores or uprights are less than those prescribed by sections four and thirteen, the sizes of the shores may be reduced in proportion, and where, in special circumstances, the spacing of the shores or uprights are increased, additional strength shall be provided as may be prescribed by the Department of Transport.

16. Shores should normally be fitted at an angle not exceeding ten degrees from the horizontal; where this angle is exceeded the next larger size of shore to that required by its length shall be used. The angle between any shore and the surface to be supported shall not exceed forty-five degrees from the horizontal.

**Canada Shipping Act—continued**

*Stays*

17. Where uprights are secured as approved at both head and heel, one stay on each side of each upright will be accepted in holds twenty feet and under in depth, to be placed at approximately one-third of the distance below the deck. Where the hold is more than twenty feet deep, two stays on each side of each upright shall be required, the upper stays to be placed at approximately one quarter of the distance below the deck and the lower stays at half the depth of the hold. Depths shall be measured to top of floors, inner bottom or tunnel top.

18. Where wire stays are used the following provisions shall apply:—

- (a) The stays shall be of three inch circumference flexible steel wire rope and shall be fitted horizontally;
- (b) the rigging screws shall be  $1\frac{1}{4}$  inch diameter and shall be fitted in accessible positions;
- (c) The shackles shall be one inch;
- (d) The eye bolts through the wood or angle bar uprights shall be  $1\frac{1}{4}$  inches;
- (e)  $\frac{7}{8}$  inch screw bolts and nuts shall be provided as may be necessary for securing the wood uprights or steel angle bars;
- (f) Eye plates of one inch thickness shall be securely riveted to the side stringers or frames, or one inch shackles passed through the frames.

19. Where in accordance with section twenty-six, shifting boards do not extend the full depth of the hold, the shifting boards and their uprights shall be supported or stayed to the satisfaction of the Department of Transport.

*Feeders, Bins and Bulkheads*

20. Feeders, bins and bulkheads shall be of sufficient strength to withstand the pressure of the head of grain contained therein and shall be made grain tight.

21. Ships having one or more decks with one continuous hold forward or one continuous hold aft with two hatches to each hold shall have a well-constructed bulkhead extending from side to side of the ship between the two hatches to divide the space.

22. (1) Wood feeders and bin bulkheads may be constructed:—

- (a) of planks worked vertically not less than  $2\frac{1}{2}$  inch thickness, but where the vertical unsupported span exceeds eight feet the thickness of the planks shall be increased, or additional stiffening fitted; or
- (b) of studding and lined with grain-tight boards two inches in thickness or two one inch layers of shiplap, laid horizontally with broken joints. Stubbing where possible shall be placed inside the hatch coamings and shall be not less than four inches by six inches on edge spaced not more than two feet centres.

(2) Wing feeders shall be constructed in a similar manner.

(3) In all cases the planks at the corners shall be well secured to substantial vertical cants.

23. Where the depth of the hatch end beams or coamings exceeds fifteen inches below the surface of the deck, feeding holes shall be provided to



**Canada Shipping Act—continued**

allow the grain to flow through the coamings into the hold or 'tween decks; where the depth of the coamings below the surface of the deck exceeds fifteen inches and is not more than eighteen inches feeding holes two inches in diameter shall be provided. Where the depth exceeds eighteen inches feeding holes of  $3\frac{1}{2}$  inch diameter shall be provided. Feeding holes shall be spaced approximately two feet apart.

24. Engineroom and stokehold bulkheads and donkey boiler recesses where subjected to heat shall be sheathed with wood and made grain-tight. An air space of at least six inches shall be left between the bulkhead and the sheathing and a box trunk ventilator six inches by eight inches shall be provided from the top of the air space to a ventilator or hatchway, or other equal and approved means of ventilation adopted. Sheathing shall be supported on vertical runners spaced not less than two feet centres and shall consist of two inch planks or two thicknesses of one inch boards laid to break joint. Other approved means of insulation may be accepted.

*Holds or Compartments Partly Filled with Loose Grain in Bulk*

25. (1) In any hold or compartment which is partly filled with loose grain in bulk the grain shall be levelled and topped off with bagged grain or other suitable cargo extending to a height not less than four feet above the top of the loose grain in bulk and supported on suitable platforms in accordance with section thirty, laid over the whole surface of the loose grain in bulk. Also, the hold or compartment shall be divided by a properly constructed longitudinal bulkhead or shifting boards, in line with the keel, which shall extend from the bottom of the hold or deck as the case may be to a height of not less than two feet above the surface of the bulk grain to prevent shifting.

(2) The fitting of a longitudinal bulkhead or shifting boards in a lower hold shall not be required if the grain in bulk does not exceed one-third of the capacity of the hold, or in the case of a hold containing a shaft or other similar tunnel, one-half the capacity of that hold.

*Holds or Compartments Entirely Filled with Loose Grain in Bulk*

26. Every hold or compartment which is entirely filled with loose grain in bulk shall be divided by a longitudinal bulkhead or shifting boards, in line with the keel, which shall be properly constructed and secured and fitted grain-tight with proper fillings between the beams. In holds such shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or eight feet, whichever is the greater. In compartments in 'tween decks and superstructures they shall extend from deck to deck. In all cases the shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

27. All bulk grain shall be well trimmed up between the beams and in the wings, and the spaces between them shall be completely filled.

28. Every hold, compartment or bin which is entirely filled with loose grain in bulk shall be fed by suitably placed and properly constructed feeders, which shall contain not less than  $2\frac{1}{2}$  per cent or more than eight per cent of the quantity of grain carried in the compartment that they feed. When loose grain in bulk is loaded in a deep tank, specially built feeders shall not be required provided that the deep tank is divided by a steel centre longitudinal division and the bulk grain is well stowed, the tank and tank hatchways completely filled and the hatch covers secured.

**Canada Shipping Act—continued**

29. Feeders to a hold or compartment shall be so arranged as to secure a free flow of grain to all parts of that hold or compartment; where the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds twenty-five feet, then grain in the end spaces beyond twenty-five feet from the nearest feeder shall be levelled off at a depth of at least six feet below the deck, and the end spaces filled with bagged grain built up on a proper platform.

30. The platforms required by these regulations shall consist of bearers spaced not more than four feet apart and one inch boards laid thereon spaced not more than four inches apart, or tarpaulins or strong separation cloths with adequate overlapping.

31. Light grain in bulk may be carried in the holds and 'tween decks of all ships and in the superstructures of single decked ships, subject to the provisions of the regulations relating to shifting boards and feeders. In steamships where 'tween decks and/or shelter decks are not subdivided, bulkheads are to be constructed to divide such shelter or 'tween decks into compartments of a maximum length not exceeding seventy feet.

32. Heavy grain in bulk shall not be carried above deck except in accordance with the provisions of sections thirty-three and thirty-four.

33. Heavy grain in bulk shall not be carried above deck in a single decked ship, or in the 'tween deck of a two decked ship, or in the uppermost 'tween deck of a ship having more than two decks except:

- (a) in feeders properly constructed as required by these regulations;
- (b) in bins properly constructed as required by these regulations.

34. Where heavy grain in bulk is carried in bins:

- (a) the compartment or compartments immediately below the bins shall be completely filled with bulk grain;
- (b) the hold or compartment below the bin or bins shall be properly battened down clear of the feeder to such hold or compartment;
- (c) the aggregate quantity of grain carried in bins and all feeders shall not exceed twenty-three per cent by weight of the total cargo below the deck on which the bins are situated;
- (d) the capacity of any bin shall not exceed 8,000 cubic feet;
- (e) where the distance from the feeder to the transverse bulkhead exceeds twenty feet the space beyond shall be filled with bagged grain or other suitable cargo;
- (f) where a bin is not completely filled with grain the provisions of section twenty-five as to levelling and topping off shall apply.

35. Shifting boards need not be fitted in holds, 'tween decks or superstructures containing only grain in bags.

36. Bagged grain shall be carried in sound bags, well filled and securely closed.

*Equivalents*

37. Where these regulations require that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Minister of Transport may allow such other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made where he is satisfied that such other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these regulations.

**Canada Shipping Act—continued***Special Circumstances*

38. The Minister of Transport may, if he considers that the sheltered nature or conditions of the voyage are such as to render the application of any of the requirements of these regulations unreasonable or unnecessary, exempt from such requirements individual ships or classes of ships.

**36. Timber Cargo Regulations**

P.C. 1954-1863

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to sections 448 and 617 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the carriage of timber deck cargoes, established by Order in Council P.C. 1580 of 4th April, 1951, are hereby revoked; and

2. The annexed "Regulations for the carriage of timber deck cargoes" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE CARRIAGE OF TIMBER DECK CARGOES

*Part I—Interpretation*

1. These regulations may be cited as the *Timber Cargo Regulations*.
2. In these regulations,
  - (a) "cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck, but does not include a cargo of wood pulp or similar substance;
  - (b) "freeboard deck" has the same meaning as in the Load Line Rules;
  - (c) "Load Line Rules" means the rules for the time being in force made under the provisions of section 430 of the Canada Shipping Act;
  - (d) "superstructure deck" means the deck forming the top of a superstructure, as defined in the Load Line Rules;
  - (e) "timber load line" means special load line to be used only when a ship carrying a timber deck cargo complies with these regulations and the Load Line Rules.

*Part II—Vessels of 150 Tons Gross Tonnage and Upwards*

3. This Part applies to every vessel of 150 tons or more, gross tonnage, that carries a timber deck cargo into or out of Canada.

**Canada Shipping Act—continued**

4. Openings to spaces below the freeboard deck covered by cargo shall be securely closed and battened down; all fittings such as hatchway beams, fore-and-afters, and covers, shall be in place; where hold ventilation is needed, the ventilators shall be efficiently protected.

5. (1) The cargo shall be compactly stowed, lashed and secured; it shall not interfere in any way with the navigation and necessary working of the ship or with the provision of a safe margin of stability at all stages of the voyage, regard being had to additions of weight such as those due to absorption of water and to losses of weight such as those due to consumption of fuel and stores.

(2) Subject to subsection (1), when a ship is within any of the areas set out in the Schedule hereto, during the periods set out respectively in the Schedule, the height of the cargo above the freeboard deck shall not exceed one-third of the extreme breadth of the ship.

6. Safe and satisfactory access to the quarters of the crew, to the machinery space and to all other parts used in the necessary working of the ship shall be available at all times; cargo in the way of openings which give access to such parts shall be so stowed that the openings can be properly closed and secured against the admission of water; efficient protection for the crew in the form of guard rails or life lines, spaced not more than twelve inches apart vertically, shall be provided on each side of the cargo to a height of at least four feet above the cargo; the cargo shall be so stowed as to be sufficiently level for gangway purposes.

7. Steering arrangements shall be effectively protected from damage by the cargo and, as far as practicable, shall be accessible; efficient provision shall be made for steering in the event of a breakdown in the main steering arrangements.

8. (1) A complete system of overall lashings of ample strength and in good condition, fitted with releasing arrangements, shall be provided so as to give effective security throughout the length of the cargo; the releasing arrangements shall be accessible at all times; all fittings required for securing lashings shall be of strength corresponding to the strength of the lashings.

(2) In ships not exceeding 500 tons register tonnage engaged on home trade voyages, the releasing arrangements may be replaced by rope lanyards on the centre line of the ship, readily accessible and capable of being cut and released when required.

9. Where uprights are required by the nature of the cargo,

- (a) they shall be of adequate strength and may be of wood or metal;
- (b) the spacing shall be suitable for the length and characteristics of the cargo, but shall not exceed ten feet; and
- (c) efficient means shall be provided for securing the uprights.



**Canada Shipping Act—continued***Part III—Vessels Using Timber Load Lines*

10. This Part applies to every vessel marked with a timber load line under the Load Line Rules when loaded beyond the maximum depth to which it would, for the time being, be entitled under the Load Line Rules to be loaded if it were not marked with a timber load line.

11. The wells on the freeboard deck shall be filled with timber stowed as solidly as possible, to a height of at least,

- (a) 6 feet for ships up to and including 250 feet in length,
- (b) 7 feet 6 inches for ships 400 feet or more in length, and
- (c) a proportionate intermediate height for ships more than 250 feet but less than 400 feet in length.

12. (1) The cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than ten feet apart; overall lashings shall be in good condition and shall consist of close link chain of not less than three-quarter inch, or flexible wire rope of equivalent strength, fitted with sliphooks and stretching screws, which shall be accessible at all times; wire rope lashings shall have a sufficient length of long link chain to permit the length of lashings to be regulated.

(2) When the timber is in lengths of less than twelve feet, the spacing of the lashings shall be reduced to suit the length of timber, or other suitable provision shall be made.

(3) When the spacing of the lashings is five feet or less, the size of the lashings may be reduced, but not less than half-inch chain or the equivalent of wire rope shall be used.

13. (1) Uprights, when required by the nature of the cargo, shall be secured by strong angles or metal sockets efficiently attached to the stringer plate, or by equally efficient means.

(2) When fitted on superstructure decks, uprights shall be secured by athwartship lashings of ample strength.

*Part IV—General*

14. (1) A person directed by the Minister of Transport to make an inspection of a timber deck cargo shall be paid a fee of twenty-five dollars for such inspection and a certificate thereof.

(2) Where a person is required to proceed to an outpost to make an inspection of a timber deck cargo, he shall be paid reasonable travelling expenses and an allowance of five dollars a day, in addition to the fee prescribed by subsection one.

**Canada Shipping Act—continued**

(3) The inspection fee, travelling expenses and per diem allowance prescribed by this section are payable by the owner or agent of the vessel whose cargo is inspected.

**SCHEDULE**

No.	Area	Winter Period
	Description	
1	The area within and to the northwards of the following line: A line drawn south from the coast of Greenland at long. 50°W. to lat. 45°N. thence along the parallel of 45°N. to long. 15°W. thence north at lat. 60°N. thence along the parallel of 60°N. to the west coast of Norway. Bergen is considered as being on the boundary between this area and area 2 below.	16th October to 15th April
2	The area north of a line drawn from the east coast of America along the parallel of 36°N. to Tarifa in Spain excluding area 1 above but including the Baltic Sea.	1st November to 31st March
3	The Mediterranean and the Black Seas.....	16th December to 15th March
4	The Sea of Japan between the parallels of 35°N. and 50°N.	1st December to 28/29th February
5	The area north of a line drawn from the east coast of Honshiu in Japan along the parallel of 35°N. to Long. 150°W. and thence along a rhumb line to the west coast of Vancouver Island at lat. 50°N., but excluding area 4 above.	16th October to 15th April
6	The area south of a line drawn from the east coast of South America along the parallel of 40°S. to long. 56°W. thence along a rhumb line to the point lat. 34°S., long. 50°W. thence along the parallel of 34°S. to the west coast of South Africa; from the east coast of South Africa at lat. 30°S. along a rhumb line to the west coast of Australia at lat. 35°S. thence along the south coast of Australia to Cape Arid thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point thence along a rhumb line to the west coast of South Island, New Zealand, at long. 170°E. thence along the west, south and east coasts of South Island to Cape Saunders thence along a rhumb line to the point lat. 35°S. long. 170°W.; and thence along the parallel of 33°S. to the west coast of South America.	16th April to 15th October

**37. Ship Station Radio Regulations, Part I**

P.C. 1954-1924

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 413 of the Canada Shipping Act, is pleased to order as follows:

1. The Radio Regulations for Ship Stations, Part I, established by Order in Council P.C. 1953-1436 of 17th September, 1953, as amended, and Order in Council P.C. 1954-1681 of 3rd November, 1954, are hereby revoked; and

**Canada Shipping Act—continued**

2. The annexed "Ship Station Radio Regulations, Part I", are hereby made and established in substitution for the regulations and Order hereby revoked.

## SHIP STATION RADIO REGULATIONS, PART I

*Short Title*

1. These regulations may be cited as the *Ship Station Radio Regulations, Part I*.

*Interpretation*

2. In these regulations,

- (a) "Minister" means the Minister of Transport;
- (b) "radio" means radiotelegraph, radiotelephone and any other form of radioelectric communication and includes the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves; and
- (c) "satisfactory radiotelephone installation" means a radiotelephone installation complying with the regulations made by the Minister under section 414 of the Canada Shipping Act.

*Fees for Licences*

3. The annual fees to be paid in respect of licences issued by the Minister for the installation and operation of radio stations on board ships registered in Canada are as follows:—

- (a) Ship Station Licence (A)  
(for ships fitted with transmitting and receiving apparatus) ..... \$10.00
- (b) Ship Station Licence (B)  
(for ships fitted only with receiving apparatus for navigational purposes) ..... 2.00

*Distress Signals*

4. (1) The provisions of the General Regulations annexed to the International Telecommunication Convention for the time being in force so far as they apply to ship stations, and of the Regulations annexed to the International Convention for the Safety of Life at Sea, where applicable, shall be observed by ship stations on board ships registered in Canada; alarm, distress, urgency and other signals and their use are as prescribed by the said Conventions and Regulations.

(2) The alarm signal and the distress signal shall be used only by ships in serious and imminent danger which require immediate assistance; in all other cases in which assistance is required, or in which a vessel desires to issue a warning that it may become necessary to send an alarm signal or distress signal at a later stage, use shall be made of the international urgency signal.

(3) Where a ship has sent out the alarm or distress signal and subsequently finds that assistance is no longer required, it shall immediately so notify all stations concerned.

(4) The use of the international distress signal except for the purpose of indicating that a vessel is in distress, or the use of any signal which might be confused with the international distress signal, is prohibited.

**Canada Shipping Act—continued***Danger Messages*

5. Information concerning dangerous ice, dangerous derelicts, tropical storms or other direct dangers to navigation, shall be sent under the "General call to all ship stations," and to the nearest coast radio station with which communication can be established with the request that it be transmitted to the appropriate authority.

*Control of Ship Stations*

6. (1) Where in the opinion of the Minister an emergency has arisen or is apprehended and it is expedient for the public service that Her Majesty shall have control over the transmission of messages by the apparatus of a radiotelegraph station on board any vessel registered in Canada, the Minister may, by warrant under his hand, direct that the apparatus, or any part thereof, on any such vessel be taken possession of in the name and on behalf of Her Majesty, and to be used for Her Majesty's service and, subject thereto, for such ordinary services as to the Minister may seem fit and, in that event, any person authorized by the Minister may enter upon the ship station and take possession thereof and so use the station.

(2) When the Minister considers that an emergency has arisen he may, instead of taking possession of a ship station, direct and authorize such persons as he may think fit to assume control of the transmission of messages by the apparatus of the station, either wholly or partly, and in such manner as he may direct, and such persons may enter upon the station premises accordingly, or the Minister may direct the owner or his representative to submit to him or any person authorized by him all messages tendered for transmission or arriving by the apparatus or any class or classes of such messages, to stop or delay the transmission of any messages or deliver the same to him or his agent, and generally to obey all such directions with reference to the transmission of messages as the Minister may prescribe, and the owner or his representative shall obey and conform to all such directions.

(3) During an emergency, the use of radiotelegraphy or radiotelephony on all ship stations within the territorial waters of Canada shall be subject to such rules as may be made by the Minister from time to time, and such rules may prohibit or regulate such use in all cases.

*Complete Exemptions*

7. The following classes of ships registered in Canada plying on international voyages, are exempted from the requirement of being fitted with a radiotelegraph installation:

- (a) passenger ships, certified to carry or carrying less than fifty persons including passengers and crew, when fitted with satisfactory radiotelephone installations; provided that such ships do not in the course of any voyage go more than twenty miles from the nearest land;
- (b) cargo ships of 500 tons gross tonnage and under 1,600 tons gross tonnage when fitted with satisfactory radiotelephone installations;
- (c) cargo ships of not less than 1,600 tons gross tonnage and not more than 5,000 tons gross tonnage which in the course of any such voyage do not go more than one hundred miles from the nearest land, when fitted with satisfactory radiotelephone installations;



**Canada Shipping Act—continued**

- (d) ships which are not normally engaged on international voyages but which in exceptional circumstances are required to undertake a single international voyage;
- (e) ships of war and troopships;
- (f) ships not propelled by mechanical means;
- (g) wooden ships of primitive build such as dhows and junks;
- (h) pleasure yachts not engaged in trade; and
- (i) fishing vessels.

*Partial and Conditional Exemptions*

8. The following partial and conditional exemptions from the requirements of the Regulations annexed to the International Convention for the Safety of Life at Sea are granted to ships:

- (a) existing installations on passenger ships are exempted until November 18, 1955, from the requirement of carrying a separate emergency transmitter and a separate emergency source of energy provided that the main transmitter and main source of energy comply with the requirements of the Safety of Life at Sea Convention covering such installations;
- (b) the requirement of carrying an automatic keying device for the transmission of the alarm and distress signals is delayed, in the case of existing lifeboat portable radio apparatus, until November 18, 1955;
- (c) the Minister may exempt ships carrying less than twenty lifeboats from the requirement of carrying lifeboat portable radio apparatus where such ships are engaged on voyages of such duration that the Minister considers such apparatus is unnecessary; and
- (d) the Minister may exempt any ship from the fitting of an emergency aerial where such an aerial is impracticable or unreasonable, provided that in each case a completely assembled spare aerial is carried.

9. (1) Passenger steamships more than sixty-five feet in length, measured from end to end over the deck exclusive of sheer, and cargo ships of 5,000 tons gross tonnage or upwards, plying on the Great Lakes are exempt from the requirement of being fitted with a radiotelegraph installation when they are fitted with a satisfactory radiotelephone installation.

(2) In this section "Great Lakes" means all the Great Lakes, their connecting and tributary waters, and the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but not including tributary rivers which are not also connecting rivers and not including the Niagara River (including the Black Rock Canal), as defined in Article 2 of the Agreement between Canada and the United States of America for the Promotion of Safety on the Great Lakes by means of Radio, signed at Ottawa, February 21, 1952, in force November 13, 1954.

*Penalties*

10. (1) Any person who violates any of the provisions of these regulations shall be liable, on summary conviction, to a penalty not exceeding fifty dollars and costs or three months' imprisonment.

(2) Any person who violates any of the provisions of the regulations made by the Minister under section 414 of the Canada Shipping Act, shall be liable, on summary conviction, to a fine not exceeding fifty dollars and costs.

Canada Shipping Act—*continued*

**38. Ship Station Radio Regulations, Part II**

Pursuant to the authority vested in me by section 414 of the Canada Shipping Act I hereby order that:

1. The "Radio Regulations for Ship Stations, Part II" established by an Order of the Minister of Transport of 5th October, 1949, are revoked; and

2. The annexed regulations entitled "Ship Station Radio Regulations, Part II" are established in substitution for the regulations hereby revoked.

GEORGE C. MARLER,  
*Minister of Transport.*

December 31, 1954.

SHIP STATION RADIO REGULATIONS, PART II

1. These regulations may be cited as the *Ship Station Radio Regulations, Part II*.

2. In these regulations,

- (a) "Act" means the Canada Shipping Act;
- (b) "Department" means the Department of Transport, and
- (c) "Minister" means the Minister of Transport.

*Licences*

3. The Minister may grant licences for ship stations on board ships registered in Canada to the registered or licensed owners of such ships or companies incorporated under the laws of Canada or any of the Provinces thereof on behalf of such owners.

4. There are two classes of ship station licences:

- (a) Ship station licence (A)—for ship stations fitted with transmitting and receiving apparatus, and
- (b) Ship station licence (B)—for ship stations fitted only with receiving apparatus for navigational purposes.

5. (1) Ship station licences (A) shall authorize two-way communication with other stations in the Maritime Mobile Service.

(2) Ship station licences (B) shall authorize the operation of radio navigational apparatus for the purpose of taking bearings, fixing a position, or the reception of weather and other aid to navigation reports.

6. Applications for ship station licences shall include particulars of radio equipped lifeboats, and the licence when issued may authorize the installation and operation of such equipment for testing or emergency purposes.

**Canada Shipping Act—continued**

7. In special cases the Minister may grant authority for a ship station on board a yacht, or on board a vessel undertaking a scientific expedition, to communicate with amateur stations on condition that

- (a) the circumstances of the voyage or voyages contemplated are such that it would be difficult or impossible for the ship station to communicate directly with stations in the Maritime Mobile Service;
- (b) it is shown that unusual circumstances would make it extremely beneficial for the ship station to communicate with amateur stations rather than with the regular stations of the Maritime Mobile Service; and
- (c) the messages to be exchanged with amateur stations will contain nothing of a commercial nature.

8. Licences for ship stations shall be valid for a period of one year commencing on April 1 and expiring on the following March 31, and shall be subject to such conditions as may be specified by the Minister from time to time.

9. The Minister may require as a condition to the issue of any ship station licence (A) that the licensee shall pay to the Minister, and maintain throughout the period during which the licence is in force, a deposit of fifty dollars as security for the payment of coast station and landline delivery charges in respect of radiotelegrams originating on board any vessel and transmitted *via* any coast station, domestic or foreign; this deposit may be appropriated by direction of the Minister for payment of any such charges which are not otherwise paid in due course; the amount to the credit of the licensee will be returned at the expiry of a period of not more than nine months from the termination of the licence, subject to such deduction as shall have been made for any of the charges aforesaid.

10. (1) The international calling and distress frequency for all radiotelegraph equipped ship stations shall be 500 kilocycles.

(2) The calling and distress frequency for all radiotelephone equipped ship stations shall be 2182 kilocycles.

(3) The frequency of 8,364 kilocycles shall be used for communications relating to search and rescue operations by lifeboats, liferafts and other survival craft equipped for transmission on frequencies between 4,000 and 23,000 kilocycles.

(4) The frequency of 410 kilocycles shall be used by ship stations solely for direction finding purposes.

(5) Other frequencies authorized for use in handling traffic or for other purposes shall be as designated in the ship station licence.

(6) Ship stations shall maintain the assigned frequencies within the tolerance limits specified in the licence.

11. Except in case of distress, all ship stations shall use the minimum amount of power necessary to carry out any communication desired.



**Canada Shipping Act—continued**

*Radio Log*

12. (1) In addition to the ship's official log a radio log (diary of the radio service) shall be kept in all ship stations and maintained as follows:

- (a) in the log of every radiotelegraph equipped ship station there shall be entered the following, as they occur together with the time of their occurrence:
  - (i) the name, port of registry, and official number of the vessel;
  - (ii) the names of the operators of the station and their certificate numbers;
  - (iii) the name of the operator on watch and the times of going on and off watch;
  - (iv) all communications relating to distress traffic in full;
  - (v) urgency and safety communications;
  - (vi) communications exchanged between the ship station and other stations;
  - (vii) service incidents of all kinds; and
  - (viii) if the ships' rules permit, the position of the ship at least once a day.
- (b) in the log of every radiotelephone equipped ship station there shall be entered the following, as they occur together with the time of their occurrence:
  - (i) the name, port of registry, and official number of the vessel;
  - (ii) the name of the operator on watch and times of going on and off watch;
  - (iii) a summary of all communications relating to distress; urgency and safety traffic;
  - (iv) a summary of communications exchanged between the ship station and other stations; and
  - (v) a reference to important service incidents.

(2) Ship stations compulsorily fitted with a radiotelegraph installation shall, in addition to maintaining the record required in subsection (1), enter in the Radio Log the following:

- (a) details of the maintenance, including a record of the charging of the batteries used as a source of power for the radiotelegraph installation;
- (b) a daily statement that the batteries forming part of the main or emergency (reserve) installation have been brought up to the normal fully charged condition;
- (c) details of tests of the emergency transmitter and emergency power supply;
- (d) if the ship is fitted with an automatic alarm, details of tests of its efficiency;
- (e) details of the maintenance, including a record of the charging of the batteries (if used) and tests of the transmitters fitted in motor lifeboats; and
- (f) details of the maintenance, including a record of the charging of the batteries (if used) and tests of lifeboat portable transmitters.



**Canada Shipping Act—continued**

(3) Ship stations compulsorily fitted with a radiotelephone installation shall in addition to maintaining the record required by subsection (1), enter in the Radio Log the following:

- (a) details of the maintenance, including a record of the charging, of the batteries used as a source of power for the radiotelephone installation;
- (b) details of tests of the radiotelephone installation; and
- (c) details of the maintenance, including a record of the charging of the batteries (if used) and tests of lifeboat portable transmitters.

*Documents*

13. Ship stations shall carry the documents prescribed in appendix 5.

*Classification of Ship Stations*

14. (1) Ship stations shall, for the purpose of handling public correspondence in accordance with the requirement of the regulations of the International Telecommunication Convention, be divided into four categories as follows:

(a) Radiotelegraph equipped ship stations:

- (i) First Category—stations whose duration of service by operator is continuous while the ships are being navigated;
- (ii) Second Category—stations carrying on a designated service of limited duration by operator; and
- (iii) Third Category—stations whose duration of service by operator is less than that specified for a station of the Second Category and a station whose duration of service by operator is undetermined; and

(b) Radiotelephone equipped ship stations:

Radiotelephone Category—No fixed hours.

(2) The classification of a ship station shall be indicated in the licence issued to the station; the operators to be carried and the watches to be maintained shall be in accordance with the classification prescribed in sections 35 and 39 of these regulations.

*Radiotelegraph Installation to be fitted.*

15. Where a ship is required to be fitted with a radiotelegraph installation in accordance with section 411 of the Act, and the regulations issued thereunder, such installation shall comply with sections 16 to 30 of these regulations.

*Radiotelegraph Installation*

16. (1) The radiotelegraph installation shall comprise a main installation and an emergency (reserve) installation electrically separate and electrically independent of each other, except as provided by section 18 subsection (10).

(2) The main installation shall include a main transmitter, main receiver and main source of energy.

(3) The emergency (reserve) installation shall include an emergency transmitter, emergency receiver and emergency source of energy.

**Canada Shipping Act—continued***Main Installation*

## 17. (1) The main transmitter shall

- (a) have a minimum normal range as specified below, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges:
  - (i) in the case of all passenger ships, and cargo ships of 1,600 tons gross tonnage and upwards—150 miles; and
  - (ii) in the case of cargo ships below 1,600 tons gross tonnage—100 miles.
- (b) be capable of transmitting on the distress frequency of 500 kc/s the direction finding frequency 410 kc/s, and at least two of the frequencies 425, 448, 454, 468 and 480 kc/s, using type A2 emission;
- (c) have a note frequency of more than 500 and less than 1,200 cycles per second; and
- (d) be modulated to a depth of not less than 70 per cent, and not more than 95 per cent.

## (2) The main receiver shall be capable of

- (a) receiving on all frequencies between 515 and 100 kc/s, A1 and A2 emissions; and
- (b) producing signals in headphones or by means of a loudspeaker with a receiver input as low as 100 microvolts.

(3) Sufficient power shall be available in a ship station at all times to operate the main installation efficiently, under normal conditions over the minimum normal range, as well as for the purpose of charging any batteries forming part of the radiotelegraph installation. The rated voltage of the supply of electrical energy for the main installation shall be maintained within plus or minus ten per cent.

(4) The radiotelegraph installation shall be provided with a device permitting changeover from transmission to reception and *vice versa* without manual switching.

*Emergency Installation*

## 18. (1) The emergency transmitter shall

- (a) have a minimum normal range as specified below, that is to say it must be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the following specified ranges,
  - (i) in the case of passenger ships, and cargo ships of 1,600 tons gross tonnage and upwards—100 miles,
  - (ii) in the case of cargo ships below 1,600 tons gross tonnage—75 miles.
- (b) be capable of transmitting on the frequency of 500 kc/s type A2 or B emissions,
- (c) have a note frequency of not less than 500 and not more than 1200 cycles per second and in the case of installations fitted before the 19th of November 1952 a note frequency of at least 100, and
- (d) be modulated to a depth of not less than 70 per cent.

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- (2) The emergency receiver shall
  - (a) be capable of receiving on the frequency of 500 kc/s type A2 and B emissions,
  - (b) be capable of producing signals in headphones or by means of loudspeaker with a receiver input as low as 100 microvolts, except in cases where an approved auto alarm receiver is used as the emergency receiver, and
  - (c) be connected to a loudspeaker for the purpose of standing by on the frequency of 500 kc/s when the main transmitter is operating on other frequencies. The loudspeaker may be dispensed with if split headphones are used.
- (3) Where an auto alarm is fitted the auto alarm receiver may be used as the emergency receiver.
- (4) The emergency installation shall be provided with a source of power independent of the propelling power of the ship and of the ship's electrical system and be capable of being put into immediate operation by means of a switchboard located in the radio room or readily accessible therefrom.
- (5) The emergency source of power shall be capable of operating the emergency transmitter, receiver and emergency light for at least six hours and shall be maintained at its full efficiency whilst the ship is at sea. A statement that this requirement has been met shall be inserted daily in the ship's official log.
- (6) The emergency source of power may be used only for the operation of
  - (a) the emergency transmitter and receiver;
  - (b) the emergency light, specified in section 26; and
  - (c) the automatic keying device.
- (7) All parts of the emergency installation shall be placed in the upper part of the ship in a position of the greatest possible safety, and as high above the deepest load water line as practicable.
- (8) The installation shall be provided with a device permitting change-over from transmission to reception and *vice versa* without manual switching.
- (9) The emergency transmitter, if not used for communications shall while the ship is at sea, be tested daily using a suitable artificial aerial, and at least once during each voyage using the emergency aerial if installed. A record of such tests shall be inserted in the ship's official log.
- (10) Where the main installation and main source of energy complies with the requirements of an emergency installation and emergency source of energy, the latter is not obligatory in the case of
  - (a) installations on cargo ships fitted before the 18th of November 1952; and
  - (b) installations on cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage.

*Radio Equipment in Motor Lifeboats*

19. (1) Where a passenger ship carries motor lifeboats of Class A in compliance with paragraphs (a) and (b) of regulation 8, Chapter III of



**Canada Shipping Act—continued**

the International Convention for the Safety of Life at Sea, 1948 each of such motor lifeboats shall be fitted with a radiotelegraph installation, capable of being used in an emergency by an unskilled person.

(2) The radio installation shall be installed in a cabin large enough to accommodate both the equipment and the person using it.

(3) The arrangements shall be such that the efficient operation of the transmitter and receiver shall not be interfered with by the engine while it is running whether a battery is on charge or not.

(4) A fixed type of aerial shall be provided together with a mast for supporting it at the maximum practicable height.

(5) This radiotelegraph installation shall

- (a) be capable of transmission and reception on the frequency of 500 kc/s, type A2 emission;
- (b) in the case of installations fitted since the 18th of November 1952, be also capable of transmission and reception on the frequency of 8,364 kc/s A2 emission; and
- (c) be provided with a battery source of power,
  - (i) sufficient to give a minimum of 10 metre amperes; and
  - (ii) to maintain the installation in operation for a period of 6 running hours.

(6) The battery shall not be used for any purpose other than the operation of the installation and of the searchlight required to be carried in motor lifeboats. If used to operate the searchlight it shall have sufficient capacity to supply the extra load.

(7) If the battery is of a type that requires charging means shall be available for charging the battery from the ship's power supply and in addition there shall be means of charging the battery after the lifeboat has been launched.

(8) The transmitter shall be modulated to a depth of at least 70 per cent and in the case of installations fitted since the 18th of November 1952, shall have a note frequency of not less than 500 and not more than 1200 cycles per second.

(9) The transmitter shall be fitted with an automatic keying device for the transmission of the alarm signal and the distress signal as well as a key for manual transmission.

(10) While the ship is at sea a qualified operator shall at weekly intervals bring the battery up to full charge if the battery is of a type that requires charging and shall test the transmitter using a suitable artificial aerial. A record of these tests shall be entered in the official log.

*Lifeboat Portable Radio Apparatus*

20. (1) Ships carrying less than 20 lifeboats shall be provided with portable radiotelegraph apparatus, capable of being used in an emergency by an unskilled person.

(2) All this equipment shall be kept together in the chart room or other suitable place ready to be moved to one or other of the lifeboats in the event of an emergency.



**Canada Shipping Act—continued**

(3) The apparatus shall be readily portable, watertight and capable of floating in sea water and also capable of being dropped into the sea without damage.

(4) An aerial shall be included, either self-supporting or capable of being supported by the mast of the lifeboat at the maximum practicable height.

(5) The radiotelegraph apparatus shall

(a) be capable of transmission and reception on a frequency of 500 kc/s type A2 emission;

(b) in the case of installations fitted since the 18th of November 1952, be also capable of transmission on a frequency of 8,364 kc/s; and

(c) be provided with a source of power derived from a hand generator or batteries, preferably the former,

(i) sufficient to supply at least 10 watts input to the anode of the final stage of the transmitter; and

(ii) if batteries are used they shall have sufficient capacity to maintain the installation in operation for a period of 4 running hours.

(6) The transmitter shall be modulated to a depth of at least 70 per cent and in the case of apparatus supplied since the 18th of November 1952, shall have a note frequency of not less than 500 and not more than 1,200 cycles per second.

(7) The transmitter shall be fitted with an automatic keying device for the transmission of the alarm signal and the distress signal as well as a key for manual transmission.

(8) If a battery source of power is used, a qualified operator shall at weekly intervals while the ship is at sea bring the battery up to full charge if it is of a type which requires charging and shall test the transmitter using a suitable artificial aerial. A record of the tests shall be entered in the official log.

*Direction Finding Apparatus*

21. (1) Every ship of 1,600 tons gross tonnage and upwards shall be fitted with an approved direction finding apparatus (radio compass), which shall be capable of

(a) receiving signals with a minimum of receiver noise on the frequencies of 285 to 325, 405 to 415 and 490 to 510 kc/s; and

(b) taking bearings from which the true bearing and direction may be determined.

(2) Efficient communication shall be provided between the direction finding apparatus and the bridge.

(3) The direction finder shall be calibrated when first installed and the calibration shall be verified whenever any changes are made in the position of any aerials or of any structure on deck which may affect appreciably the accuracy of the direction finder.

(4) The calibration particulars shall be checked at yearly intervals or as near thereto as possible.

(5) A record shall be kept of the calibrations and of any checks made of their accuracy.

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*Automatic Alarm*

22. (1) In ships in which watch is kept by means of an automatic alarm receiver—

- (a) a means of giving audible warning shall be provided
  - (i) in the radio room,
  - (ii) in the radio operator's cabin, and
  - (iii) on the bridge;
- (b) the audible warning shall continue after the receiver has been operated by the alarm signal or distress call until stopped;
- (c) one switch only for stopping the warning shall be provided, and this shall be situated in the radio room; and
- (d) the operator when going off watch shall
  - (i) connect the automatic alarm receiver to the aerial and test its efficiency; and
  - (ii) report to the master or the officer on watch on the bridge whether it is in working order.
- (2) The automatic alarm receiver shall
  - (a) be tested at least once every twenty-four hours while the ship is at sea, and a statement that this requirement has been met shall be inserted in the ship's official log daily; and
  - (b) comply with the requirements set down in Appendix I annexed hereto.

23. The ship's radio station shall be placed in the upper part of the ship in a position of the greatest possible safety, as high as practicable above the deepest load line, and shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals.

24. There shall be provided between the radio room and the bridge and one other place, if any, from which the ship is navigated an efficient two-way system of calling and voice communication using either voice pipe, telephone or other means equally efficient which shall be independent of the main communication system on the ship and of the ship's main source of electrical energy.

25. A reliable clock equipped with a dial not less than five inches in diameter and provided with a concentric seconds hand, shall be mounted in the radiotelegraph operating room in such a position that the entire dial can be easily and accurately observed by the operator from the telegraph operating position and the auto alarm testing position; such steps as may be necessary shall be taken to keep it correctly regulated to the time authorized in the station.

26. A reliable emergency light operated from the emergency source of energy shall be provided in the radio room permanently arranged so as to provide satisfactory illumination of the operating controls of the main and emergency radiotelegraph installations and of the clock.

27. (1) A main and an emergency aerial shall be provided and installed or if the ship is exempt from the installation of an emergency aerial a spare aerial completely assembled for immediate replacement shall be carried.

**Canada Shipping Act—continued**

(2) The main aerial shall be suitably protected against breakage caused by whipping of the mast or masts.

(3) The main and emergency aerials shall each be capable of being connected as may be required, to

- (a) the main transmitter;
- (b) the main receiver, and
- (c) the emergency transmitter.

The emergency aerial shall also be capable of being connected to the emergency receiver.

28. Storage batteries used in ship stations shall be provided with adequate ventilation to the outer air in such a manner as to obviate the possibility of the discharge of fumes which might be detrimental to the health of the operator.

29. In addition to means for manually transmitting the auto alarm signal, an automatic alarm signal keying device shall be provided, capable of automatically keying the main and the emergency (reserve) installation so as to transmit the alarm signal. If electrically operated, this keying device shall be capable of operation from the emergency power supply.

30. Every ship station shall carry such spare parts, tools and testing equipment as will enable the radiotelegraph installation to be maintained in efficient working condition while at sea.

*Radiotelephone Installation to be fitted*

31. Where a ship is required to be fitted with a radiotelephone installation in accordance with section 411 of the Act and regulations issued thereunder, such installation shall comply with section 32.

*Radiotelephone Installation*

32. (1) The radiotelephone installation exclusive of the main source of energy shall be located as high as practicable in the upper part of the ship and shall be adequately protected to ensure proper operation and so as not to endanger the ship and the radio apparatus comprising the installation.

(2) The main operating position of the installation shall be located on the bridge and if the installation is at some other location other than the bridge then it shall be capable of being operated from that location as well.

(3) The radiotelephone installation shall

- (a) be capable of transmitting and receiving type A3 emission on the distress frequency of 2,182 kc/s and on at least one other frequency designated for use primarily for intership radiotelephone communication in the frequency band 2,065 to 2,850 kc/s; and
- (b) be capable of switching from the distress frequency and the other frequency and *vice versa* promptly and efficiently.

(4) The radiotelephone transmitter shall

- (a) have a minimum normal range of 150 miles, i.e., be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range, and in any case shall be capable of delivering at least 50 watts power (unmodulated carrier) into a ship antenna of average characteristics; and
- (b) have a depth of modulation in normal operation of at least 70 per cent at peak intensity;



**Canada Shipping Act—continued**

- (5) The radiotelephone receiver shall
  - (a) be connected to a loudspeaker; and
  - (b) be capable of energizing the loudspeaker when the radio field intensity of the received carrier wave is as low as 10 microvolts per metre.

(6) While the ship is at sea there shall be available at all times, sufficient power to operate the installation immediately and efficiently over the normal range required.

(7) If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions.

(8) In the case of ships engaged on international voyages and passenger ships of 1,000 tons gross tonnage and upwards plying on the Great Lakes as defined in Part I of these regulations an emergency source of energy shall be provided independent of the propelling power of the ship and of the ship's electrical system. This emergency source of energy shall be capable of operating the installation immediately and efficiently for a period of at least six hours. It shall be placed in the upper part of the ship.

(9) If the main source of energy meets the requirements for the emergency power source the latter is not obligatory.

(10) If batteries are provided, they shall be kept charged so as to meet the requirements of sub-sections (7) and (8).

(11) A reliable light capable of being supplied from the emergency source of power, shall be provided and permanently arranged so as to illuminate the operating controls.

(12) A spare aerial completely assembled and ready for immediate replacement shall be carried.

(13) While the ship is being navigated a test communication shall be made each day unless the normal use of the installation demonstrates the equipment to be in proper operating condition for an emergency. A record of the tests shall be made in the radio log showing the operating condition of the equipment as determined by either the normal communication or the test communication.

33. Ship stations classified for the purpose of handling public correspondence, according to section 14 of these regulations shall carry a minimum number of operators as follows:

First Category Ship Station—two operators, the operator in charge to be the holder of a First Class Certificate, and the second operator a First or Second Class Certificate.

Second Category Ship Station—one operator holding a First or Second Class Certificate.

Third Category Ship Station—one operator holding a First or Second Class Certificate.

Radiotelephone Category Ship Station—one operator holding a First or Second Class Certificate or a Certificate not lower than Radiotelephone Operator's Restricted Certificate.



**Canada Shipping Act—continued**

34. Where the requirements of sections 35 and 36 specifying the minimum number of operators to be carried for safety purposes, and section 33, specifying the operators to be carried on ship stations handling public correspondence, do not coincide, the section requiring the greater number of operators shall apply.

35. (1) All ships compulsorily fitted with a radiotelegraph installation under the provisions of section 411 of the Act and the regulations issued thereunder shall carry at least one qualified operator who shall maintain a listening watch on 500 kilocycles as follows:—

- (a) Ships plying on waters other than the lakes, rivers or along the coasts of Canada not fitted with an automatic alarm—continuous watch by operator.
- (b) Ships plying on waters other than the lakes, rivers or along the coasts of Canada fitted with an automatic alarm:
  - (i) if a passenger ship carrying or certificated to carry more than 250 passengers and engaged on voyages of 16 hours duration and over between two consecutive ports a watch of 16 hours a day during the periods specified in column 5 of Appendix 2; in this case the ship shall carry at least two qualified operators.
  - (ii) if a passenger ship carrying or certificated to carry more than 250 passengers and engaged on voyages of less than 16 hours duration between two consecutive ports a watch of 8 hours a day during the periods specified in column 4 of Appendix 2.
  - (iii) if a passenger ship carrying or certificated to carry 250 passengers or less a watch of 8 hours a day during the periods specified in column 4 of Appendix 2.
  - (iv) if a cargo ship a watch of 8 hours a day during the periods specified in column 4 of Appendix 2.
- (c) Ships plying on the lakes, rivers, or along the coasts of Canada, whether fitted with an automatic alarm or not, shall maintain watches by operator as follows:
  - (i) West coast of Canada—as specified in Appendix 3.
  - (ii) East coast of Canada—as specified in Appendix 4.

(2) During the periods of watch prescribed by this section the operator may discontinue listening on 500 kc/s, only during the time when he is handling traffic on other frequencies, or performing other essential radio duties and then only if it is impracticable to listen by means of split headphones or loudspeaker, provided that watch shall be maintained during the silence periods. When this aural listening is impracticable the auto alarm if fitted shall be in operation.

(3) The automatic alarm on ships so fitted shall at all times be in effective operation when the operator is not on watch. In case of failure of the automatic alarm, and if the same is not repaired or replaced before the ship leaves the next port of call, an additional operator shall be assigned if the ship falls within a class for which two operators are prescribed.

36. (1) All ships compulsorily fitted with a radiotelephone installation under the provisions of section 411 of the Act and these regulations shall, while the ship is being navigated outside of a port, maintain an effective

**Canada Shipping Act—continued**

continuous listening watch on the frequency of 2182 kc/s, except when the radiotelephone installation is being used to transmit or receive on other frequencies authorized for the Maritime Mobile Service; for the purpose of complying with the provisions of this section there shall be on board such ship, as an officer or member of the crew, at least one person who is the holder of a First or Second Class Certificate or Radiotelephone Operator's Restricted Certificate.

(2) The master shall appoint one officer or member of the crew who is certificated as required to operate the radiotelephone installation. The duties of the persons so designated need not be restricted to duties in connection with the radiotelephone installation but may include any and all duties assigned them by the master.

(3) Listening on the distress frequency shall be carried out by at least one officer or member of the crew of the vessel who has been designated by the master to perform such listening. The person so designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided that such other duties do not interfere with the effectiveness of the listening.

37. Ship stations classified for purposes of handling public correspondence according to section 14 of these regulations shall maintain watches as follows:

First Category Ship Station—Continuous watch by operator whilst the ship is being navigated.

Second Category Ship Station—Eight hours per day by operator during the hours specified in Column 4 Appendix 2.

Third Category and Radiotelephone Category Ship Station—No fixed hours. Nevertheless, the operator shall copy the aids to navigation transmitted at advertised hours by the nearest coast station within range and, in order to avoid unnecessary calling by coast stations for the purpose of transmitting messages addressed to ships in this category, the operator shall establish communication with the nearest coast station and indicate the times he will be on watch.

38. Where the requirements of sections 35 and 36 specifying the minimum watches to be maintained for safety purposes, and section 37, specifying the watches to be maintained by ship stations handling public correspondence, do not coincide, the regulation requiring the maximum watches shall apply.

39. The Minister may authorize ship stations on vessels plying regularly on the lakes, rivers, or along the coasts of Canada, to keep special watches in lieu of those prescribed in Appendices 3 and 4. Such special watches shall be authorized by the Minister in writing and shall be attached as a schedule to the licence of the ship station concerned.

*Operator's Certificates*

40. Ship stations on vessels registered in Canada shall be worked only by persons holding Canadian Certificates of Proficiency in Radio issued by the Minister of Transport under the provisions of the Radio Act, and regulations made thereunder; nevertheless, the holders of Certificates of Proficiency in Radio issued in accordance with the provisions of the current Telecommunications Convention, by Her Majesty's Postmaster General

**Canada Shipping Act—continued**

of Great Britain, the Administration of any British self-governed dominion or colony, or the Government of India, subject to the provisions of these regulations may be entitled to act as operator on any ship registered in Canada, when operators holding Canadian certificates are accorded similar privileges in respect of the ship stations of such Administrations.

41. The holders of Canadian Certificates of Proficiency in Radio shall be qualified to act as operators on Canadian ship stations as follows:

- (a) First Class Radiotelegraph Operator's Certificate—as a radio operator on any ship station, or in charge of a ship station of any category;
- (b) Second Class Radiotelegraph Operator's Certificate—as radio operator on a ship station of any category, or in charge of a ship station of the third category, or when countersigned to permit the holder to act in that capacity, in charge of a ship station of the second category;
- (c) Radiotelegraph Watcher's Certificate—as a receiving (Listening only) operator on a ship station carrying at least one operator holding a First or Second Class Radiotelegraph Operator's Certificate;
- (d) Radiotelephone Operator's General Certificate—as radiotelephone operator, or in charge of a ship station carrying only radiotelephone equipment, where the power in the antenna of the unmodulated carrier wave does not exceed 500 watts in cases where the operation of the transmitter requires only the use of simple external switching devices excluding all manual adjustment of frequency determining elements;
- (e) Radiotelephone Operator's Restricted Certificate—as radiotelephone operator, or in charge of a radiotelephone station where the power in the antenna of the unmodulated carrier wave does not exceed 250 watts in cases where the operation of the transmitter requires only the use of simple external switching devices excluding all manual adjustment of frequency determining elements;
- (f) Emergency Certificate—as operator, or in charge of a ship station according to the class for which it is endorsed.

*Time*

42. (1) Ship stations on vessels plying on trans-oceanic voyages shall observe Greenwich Mean Time and shall use the twenty-four hour system; the time shall always be expressed and transmitted by means of four figures (0001 to 2400).

(2) Ship stations on vessels plying regularly along the West Coast of North America shall observe Pacific Standard time and those on the Great Lakes and the East Coast of North America, Eastern Standard Time; in such cases the time shall be denoted by a group of four figures followed by the letter "F".

*Ship Stations Within The Territorial Waters or Harbours of Canada*  
*Ship Stations in Territorial Waters*

43. The Radiotelegraph Stations on board ships (other than H.M. ships of war or Canadian Government vessels) shall not be worked while such ships are within the territorial waters of Canada, unless specific permission is granted therefor by the controlling Canadian coast station



**Canada Shipping Act—continued**

for the locality, and then only provided that such working does not interfere with the operation of any coast station established in Canada, and that the provisions of the International Telecommunication Convention for the time being in force, and the Radio Communication Regulations, annexed thereto, are strictly observed.

*Ship Stations in Harbours*

44. (1) The radiotelegraph stations on board ships (other than H.M. ships of war or Canadian Government vessels) shall not be worked whilst such ships are within a harbour of Canada, except

- (a) when direct communication by messenger, visual signals or other method between ship and shore is impracticable and then only for the purpose of exchanging with the nearest coast station messages relating exclusively to the business of the ship; or
- (b) for the purpose of making or answering signals of distress.

(2) Ships in Canadian harbours shall, when so instructed by a Canadian Government Radio Inspector or other properly authorized officer, completely disconnect the aerial wires from their radio apparatus, the end of such wires being suspended entirely clear of the radiotelegraph cabin, in such a manner as to show that they are disconnected.

(3) Warships of foreign governments and service aircraft accompanying them, lying in a naval port, or in any harbour close to a naval port shall obtain permission from the Senior Naval Officer at the naval port to use their radiotelegraph apparatus, stating system and times of transmission proposed.

(4) Warships of foreign governments and service aircraft accompanying them, lying in any harbour which is not close to a naval port shall obtain permission from the Radio Inspector at that port to use their radiotelegraph apparatus; and at ports where there is no Radio Inspector, they shall observe the following regulations:—

- (a) transmission is forbidden, except for making or answering signals of distress;
- (b) interference with Naval, Army or Air Force signalling, or any land or coast station, shall be avoided;
- (c) transmissions shall be discontinued on request from any naval authority, port authority, any land or coast station;
- (d) protracted signalling using apparatus transmitting other than pure continuous waves shall be avoided; and
- (e) when a British fleet or warship is in the harbour the Senior Naval Officer shall be consulted.

45. No person shall transmit or make a signal containing profane words or language.

*Inspection of Stations*

46. Any officer of the Department authorized in writing by the Minister may, from time to time, and at all reasonable times, enter upon any ship station in Canada for the purpose of inspection, and may inspect any apparatus fixed or in use in such station, and all books and papers used in connection with the operation of such station.



**Canada Shipping Act—continued***Certificate of Inspection*

47. (1) The radiotelegraph installation on all ships registered in Canada not engaged on international voyages, shall be subject to inspection from time to time by an officer of the Department who, if the apparatus is found to comply with the provisions of the Act, and the regulations thereunder, shall issue to the ship station a Radio Inspection Certificate certifying that the equipment has been duly inspected and that it complies with the provisions of the licence issued therefor by the Minister; the certificate shall be valid for a period not exceeding one year from the date of issuance, and shall be posted in the radio room.

(2) Ships on international voyages shall be inspected and issued certificates provided for in sections 420, 421 and 423 of the Act.

48. The master of every ship required by section 411 of the Act, to be fitted with a radio installation, shall ensure that the radio service of the ship is maintained in accordance with these and with the conditions of the licence granted by the Minister of Transport.

## APPENDIX 1

*Automatic Alarm Signal and Technical Requirements for  
Automatic Alarm Receiver*

(1) The alarm signal is composed of a series of twelve dashes transmitted in one minute, the duration of each dash being four seconds, and the duration of the interval between two dashes, one second. It may be sent by hand or by an automatic apparatus.

(2) This special signal has for its sole purpose the actuation of the automatic devices giving the alarm. It must be used solely either to announce that a distress call or message is about to follow or to announce the emission of an urgent cyclone warning; in the latter case it may be used only by coast stations duly authorized by their Government.

(3) In cases of distress, the distress call when sent by radiotelegraph on 500 kc/s is, as a general rule, immediately preceded by the alarm signal. When circumstances permit, the transmission of the call is separated from the end of the alarm signal by an interval of two minutes silence; in the case of urgent cyclone warnings, the emission of the warning must not begin until two minutes after the termination of the alarm signal.

(4) Automatic devices intended for the reception of the alarm signal shall meet the following requirements:—

- (a) In the absence of interference of any kind it must be capable of being operated, without manual adjustment, by any alarm signal transmitted on the radiotelegraph distress frequency in the medium frequency band using the classes of emission assigned by the Radio Regulations for the alarm signal, provided that the frequency does not vary more than 8 kc/s from the nominal frequency and the strength of the signal at the receiver input is greater than 100 microvolts and less than 1 volt.

**Canada Shipping Act—continued**

- (b) In the absence of interference of any kind it shall be operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.
- (c) It must not be actuated by atmospherics or by a signal other than the alarm signal, provided that the received signals do not in fact constitute a signal falling within the tolerance limits indicated in (b).
- (d) The selectivity of the auto alarm shall be such as to provide a practically uniform sensitivity within 8 kc/s on each side of the distress frequency and to provide outside this band a sensitivity which decreases as rapidly as possible, in conformity with the best engineering practice.
- (e) If practicable, the auto alarm in the presence of atmospherics or interfering signals shall automatically adjust itself so that within a reasonably short time it approaches the condition in which it can most readily distinguish the alarm signal.
- (f) When operated by an alarm signal, or in the event of failure of the apparatus, the auto alarm shall cause a continuous audible warning to be given in the radiotelegraph operating room, in the radio operator's cabin, and on the bridge. If practicable, warning shall also be given in the case of failure of any part of the whole alarm receiving system. Only one switch for stopping the warning shall be provided and this shall be situated in the radiotelegraph operating room.
- (g) For the purpose of regularly testing the auto alarm, the apparatus shall include a generator pre-tuned to the distress frequency and a keying device by means of which an alarm signal of the minimum strength indicated in (a) is produced.
- (h) The auto alarm shall be capable of withstanding vibration, humidity, and changes of temperature, equivalent to severe conditions experienced on board ships at sea, and shall continue to operate under such conditions.

## Canada Shipping Act—continued

## APPENDIX 2

Periods of watch to be maintained by operator in certain ships plying on the sea as follows:—

- (1) Passenger and cargo ships compulsorily fitted with a radiotelegraph installation, and
- (2) Passenger and cargo ships whose stations are in the Second Category

(See sections 35 and 37)

Zones	Western Limit	Eastern Limit	Periods of Watch (Greenwich Mean Time)	
			8 hours	16 hours
(1)	(2)	(3)	(4)	(5)
A.—Eastern Atlantic Ocean, Mediterranean, North Sea, Baltic.	Meridian of 30°W., Coast of Greenland.	Meridian of 30°E., to the South of the Coast of Africa, Eastern Limits of the Mediterranean, of the Black Sea and of the Baltic, 30°E., to the North of Norway.	From 8h. to 10h. 12h. to 14h. 16h. to 18h. 20h. to 22h.	From 0h. to 6h. 8h. to 14h. 16h. to 18h. 20h. to 22h.
B.— Western Indian Ocean, Eastern Arctic Sea.	Eastern Limit of Zone A.	Meridian of 80° E., Western Coast of Ceylon to Adam's Bridge, thence Westward round the coast of India.	From 4h. to 6h. 8h. to 10h. 12h. to 14h. 16h. to 18h.	From 0h. to 2h. 4h. to 10h. 12h. to 14h. 16h. to 18h. 20h. to 24h.
C. — Eastern Indian Ocean, China Sea, Western Pacific Ocean.	Eastern Limit of Zone B.	Meridian of 160°E.	From 0h. to 2h. 4h. to 6h. 8h. to 10h. 12h. to 14h.	From 0h. to 6h. 8h. to 10h. 12h. to 14h. 16h. to 22h.
D. — Central Pacific Ocean.	Eastern Limit of Zone C.	Meridian of 140°W.	From 0h. to 2h. 4h. to 6h. 8h. to 10h. 20h. to 22h.	From 0h. to 2h. 4h. to 6h. 8h. to 10h. 12h. to 18h. 20h. to 24h.
E. — Eastern Pacific Ocean.	Eastern Limit of Zone D.	Meridian of 90°W., as far as the Coast of Central America, then the West Coast of Central America and North America.	From 0h. to 2h. 4h. to 6h. 16h. to 18h. 20h. to 22h.	From 0h. to 2h. 4h. to 6h. 8h. to 14h. 16h. to 22h.
F. — Western Atlantic Ocean and Gulf of Mexico.	Meridian of 90° W., Gulf of Mexico, East Coast of North America.	Meridian of 30° W., Coast of Greenland.	From 0h. to 2h. 12h. to 14h. 16h. to 18h. 20h. to 22h.	From 0h. to 2h. 4h. to 10h. 12h. to 18h. 20h. to 22h.

**Canada Shipping Act—continued**

APPENDIX 3

Periods of watch to be maintained by operator on ships compulsorily fitted with a radiotelegraph installation plying along the West Coast of Canada:

- (a) Where the hours during which the ships are being navigated do not exceed 8 hours per day—continuous watch.
- (b) Where the hours during which the ships are being navigated exceed 8 hours per day—as follows—

P.S.T.

7.30 a.m.	to	8.00 a.m.
9.30 a.m.	to	11.30 a.m.
1.30 p.m.	to	3.00 p.m.
4.00 p.m.	to	5.00 p.m.
6.30 p.m.	to	8.30 p.m.
10.00 p.m.	to	11.00 p.m.

- (c) Ships voluntarily fitted with a radiotelephone installation only—no fixed hours.

APPENDIX 4

Periods of watch to be maintained by operator on ships compulsorily fitted with a radiotelegraph installation plying along the East Coast of Canada, including the Gulf and River of St. Lawrence as far west as Montreal:—

- (a) Where the hours during which the ships are being navigated do not exceed 8 hours per day—continuous watch.
- (b) Where the hours during which the ships are being navigated exceed 8 hours per day—as follows:

E.S.T.

E.S.T.

7.30 a.m. to 8.00 a.m.	4.00 p.m. to 4.30 p.m.
9.00 a.m. to 10.00 a.m.	6.00 p.m. to 7.00 p.m.
11.00 a.m. to 12.00 noon	8.00 p.m. to 9.00 p.m.
1.00 p.m. to 1.30 p.m.	*11.00 p.m. to 11.45 p.m.

- (c) Ships voluntarily fitted with a radiotelephone installation only—no fixed hours.

APPENDIX 5

*Documents to be Carried by Ship Stations Equipped with Transmitting and Receiving Apparatus*

1. Ships compulsorily fitted for radiotelegraphy,
  - (1) Radio Licence.
  - (2) Operator's (s') Certificate (s).
  - (3) Radio Log. (diary of the radio service).
  - (4) International List of Call Signs.
  - (5) International List of Radio Location Stations.

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\* Watch may be discontinued after copying the last transmission of aids to navigation broadcast from the nearest Canadian Coast station.



**Canada Shipping Act—continued**

- (6) International List of Coast and Ship Stations.
  - (7) International List of Stations Performing Special Services.
  - (8) International Telecommunication Convention and annexed Radio Regulations in force.
  - (9) Canadian National Telegraphs or Canadian Pacific Telegraphs Tariff Book.
  - (10) Radio Regulations issued under the Canada Shipping Act.
2. Ships compulsorily fitted for radiotelephony and those voluntarily fitted for radiotelegraphy.
    - (1) Radio Licence.
    - (2) Operator's (s') Certificate (s).
    - (3) Radio Log. (diary of the radio service).
    - (4) International List of Call Signs.
    - (5) International List of Coast and Ship Stations.
    - (6) Radio Regulations issued under the Canada Shipping Act.
  3. Voluntarily fitted ships using radiotelephony only and communicating solely with Canadian Stations.
    - (1) Radio Licence.
    - (2) Operator's (s') Certificate (s).
    - (3) Radio Log. (diary of the radio service).
    - (4) Current Edition of Canadian Notice to Mariners "Radio Aids to Navigation."
  4. Ships fitted with Receiving Equipment for navigational purposes only.
    - (1) Radio Licence.

**39. St. Lawrence River Regulations**

P.C. 1954-1925

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 645 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the River St. Lawrence from Father Point to Victoria Bridge at Montreal, established by Order in Council P.C. 5365 of 25th October, 1949, are hereby revoked; and

2. The annexed "Regulations for the St. Lawrence River from Father Point to Victoria Bridge at Montreal" are hereby made and established in substitution for the regulations hereby revoked.

**Canada Shipping Act—continued**

REGULATIONS FOR THE ST. LAWRENCE RIVER FROM FATHER POINT TO  
VICTORIA BRIDGE AT MONTREAL

1. These regulations may be cited as the *St. Lawrence River Regulations*.

2. These regulations apply to the St. Lawrence River between Victoria Bridge at Montreal and Father Point including the harbours of Montreal, Three Rivers and Quebec.

3. When any aid to navigation or any mark or dredge of the Department of Transport is moved, carried away or damaged by any person, vessel or vehicle, such person or the person in charge of the vessel or vehicle shall forthwith replace or repair the aid to navigation, mark or dredge, to the fullest extent possible in the circumstances.

4. The owner of every vessel is liable to the Crown for damage done by such vessel to any aid to navigation or other property of the Crown.

5. No person shall encumber navigable waters or in any way obstruct the navigation thereof with stones, filth, rubbish, timber, logs, spars, rafts, cribs or wrecks of vessels; or throw therein fuel-oil, coal ashes, cinders, hay, straw, ballast or any other matter or thing by which navigation may be impeded or injured; and a further like penalty to that which is hereinafter imposed for a breach of this section shall be incurred by any person guilty of such breach, if he does not remove or cause to be removed any such obstruction within a reasonable time to the satisfaction of the Minister of Transport after being required to do so by any officer appointed for such purpose by the Minister; and a further like penalty shall be incurred for every subsequent day during which such obstruction is not removed.

6. No vessel while under way or drifting shall trail its anchor.

7. No vessel drawing nine feet of water or less and no barge or raft shall, except in case of accident, stress of weather or force of current, use the deep water channels

- (a) near Pointe aux Trembles (en haut);
- (b) at, between or near Varennes and Buoy 5-M St. Ours Traverse, except between Buoys 104-M and 116-M, and between Buoys 122-M and 124-M;
- (c) in Lake St. Peter between the upper end of the St. Francis Bank and the English Bank;
- (d) at or near Port St. Francis;
- (e) at, between or near Batiscan and Cap Charles;
- (f) in the dredged channel below Quebec known as Madame Reef-Brule Bank Channel, between Buoys 120½B and 112B, except between Buoys 114½B and 114B; or
- (g) at or near Buoys 109½B, 109B and 108B.

8. Vessels drawing nine feet of water or less and barges and rafts shall at all times keep to the proper side of the fairway and away from the established steamer track between Quebec and Father Point, except when crossing the steamer track at right angles.

**Canada Shipping Act—continued**

9. Rafts descending the river, whether in tow or otherwise, shall
- (a) keep to the north of Ile Deslauriers or Laurette Island, and Ile Bellegarde; and
  - (b) when opposite to Ile au Raisin in Lake St. Peter, keep to the south of the Ship Channel, as far as Nicolet Traverse.

10. No vessel, when passing any dredge, wreck or tow of barges, shall move at greater than slow speed.

11. Between Victoria Bridge at Montreal and the western limits of the harbour of Quebec every vessel overtaking another and intending to pass shall, at a distance of one-half mile from the other vessel, give one prolonged blast on its whistle, to which the other shall, if safe and practicable, reply by a similar signal, decrease its speed, to dead slow if necessary, and direct its course to port, and the overtaking vessel, upon arriving in close proximity to the overtaken vessel, shall also reduce its speed, maintaining only sufficient speed to enable it to pass the overtaken vessel to starboard; after having answered the prolonged blast of the overtaking vessel by a similar signal, if the overtaken vessel does not consider it safe and practicable to allow the other vessel to pass to starboard, it shall, after an interval of not less than one minute and not more than two minutes, give one short blast and direct its course to starboard and the overtaking vessel shall direct its course to port and pass accordingly.

12. A vessel navigating against the current or tide shall before meeting another vessel at any sharp turn or narrow passage, or where the navigation is intricate, stop, and if necessary, come to a position of safety below or above the point of danger and there remain until the channel is clear.

13. The following conditions apply to vessels being towed:

- (a) if canal barges, there shall not be more than ten in number, five in length and two abreast;
- (b) if sand barges, there shall not be more than six in number, three in length and two abreast;
- (c) if mixed vessels, there shall not be more than eight in number, four in length and two abreast; and
- (d) a complete tow from the stem of the tug to the stern of tow shall not exceed 1,000 feet in length.

14. (1) A steam vessel when at anchor shall, between sunrise and sunset, carry in its forward part a black ball not less than two feet in diameter, and at or near the stern another such ball; the forward ball shall be carried at a height above the superstructure or other erections other than the funnel on the vessel, but in no case less than twenty feet above the hull, and the stern or after ball shall be not less than fifteen feet lower than the forward ball; the above signals shall be reversed when the vessel is anchored only by the stern.

(2) Every vessel anchoring with a stern anchor shall notify the Signal Service at Quebec by wireless thereof, which in turn shall notify all vessels.

15. Every person who commits a breach of these regulations is liable on summary conviction to a penalty not exceeding five hundred dollars and the costs of the conviction and, in default of payment of such penalty and costs, to imprisonment for a period of not more than thirty days.



**Canada Shipping Act—continued**

**40. Load Line Rules for ships making voyages on lakes or rivers**

P.C. 1954-1926

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 429 of the Canada Shipping Act, is pleased to order as follows:

1. The Load Line Rules for ships making voyages on lakes or rivers, established by Order in Council P.C. 62 of 18th January, 1949, as amended, are hereby revoked; and

2. The annexed "Load Line Rules for ships making voyages on lakes or rivers" are hereby made and established in substitution for the Rules hereby revoked.

His Excellency in Council is pleased further to order that the following ships be exempted, and they are hereby exempted, from the provisions of section 428 of the Canada Shipping Act:

- (1) Ships employed in making minor-waters voyages, Class II, as defined in the Regulations respecting the Classification of Home-Trade, Inland and Minor-Waters Voyages; and
- (2) Ships employed in making voyages on any lakes the open waters of which do not exceed twenty-five miles in length or five miles in breadth.

**LOAD LINE RULES FOR SHIPS MAKING VOYAGES ON LAKES OR RIVERS**

**PART I**

1. These rules apply to ships of 150 tons, gross tonnage, and upwards, that carry cargo or passengers on voyages on any lake or river, including voyages along the north shore of the river St. Lawrence extending not further east than longitude 63° west.

2. In these rules,

- (a) "Act" means the Canada Shipping Act;
- (b) "amidships" means the middle of the length of the summer load waterline as defined in rule 39;
- (c) "Assigning Authority" means the Chairman of the Board of Steamship Inspection, Lloyd's Register of Shipping, the British Committee of the Bureau Veritas, or the American Bureau of Shipping;
- (d) "conditions of assignment" means the conditions of assignment set out in Part V;
- (e) "flush deck ship" means a ship that has no superstructure on the freeboard deck;
- (f) "freeboard" means the distance measured vertically downwards at the side of the ship amidships from the upper edge of the deck line to the upper edge of the load line mark;



**Canada Shipping Act—continued**

- (g) “freeboard deck” means the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with rules 15 to 22 and, in flush deck ships and ships with detached superstructures, means the upper deck; in ships having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with Class 1 closing appliances as defined in rule 50, the lowest line of the deck below the superstructure deck shall be deemed to be the freeboard deck;
- (h) “Minister” means the Minister of Transport;
- (i) “sailing ship” includes all ships provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion;
- (j) “steamship” includes all ships having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone, and, for the purposes of these rules, a lighter, barge or other ship without independent means of propulsion, when towed, is deemed to be a steamship;
- (k) “superstructure” means a decked structure on the freeboard deck extending from side to side of a ship and includes a raised quarter deck; “superstructure deck” means the deck forming the top of a superstructure;
- (l) “surveyor” means a Steamship Inspector or, where the Assigning Authority is one other than the Chairman, a qualified surveyor appointed by such Assigning Authority;
- (m) “tanker” includes all steamships specially constructed for the carriage of liquid cargoes in bulk; and
- (n) “tanker freeboard” means a freeboard assigned under Part VII.

**PART II***Surveys*

3. Lloyd’s Register of Shipping, the British Committee of the Bureau Veritas, and the American Bureau of Shipping, are hereby authorized to survey and mark ships under the provisions of these rules, and to issue load line certificates.

4. (1) Subject to the provisions of rule 7, every application for the issue or renewal of a load line certificate shall be made by or on behalf of the owner of the ship to an Assigning Authority.

(2) Every application for the issue or renewal of a load line certificate in respect of tanker freeboards shall be accompanied by such plans as the Assigning Authority may require, showing the fittings and arrangements provided or to be provided for the purpose of complying with Part VII.

(3) On every such application there shall be paid by the owner the fee prescribed in Schedule A.

5. (1) The Assigning Authority shall upon receipt of the application and of the prescribed fee cause the ship to be surveyed by a surveyor as hereinafter provided.

**Canada Shipping Act—continued**

- (2) The surveyor shall survey the ship with a view to satisfying himself
  - (a) that the material and workmanship of all parts of the hull of the ship are in all respects satisfactory and efficient and that the hull is in good condition internally and externally;
  - (b) that the ship
    - (i) if the keel was laid after the 30th day of June, 1936, complies with the conditions of assignment to the extent thereby required in the case of that ship;
    - (ii) if the keel was laid before the 1st day of July, 1936, complies with the conditions of assignment in principle and also in detail so far as is reasonable and practicable having regard to the efficiency of the protection of openings, the guard-rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time of survey; and
  - (c) in the case of an application for the issue or renewal of a certificate in respect of tanker freeboards, that the ship also complies with the provisions of Part VII to the extent thereby required in the case of that ship.
- (3) On the completion of the survey the surveyor shall forward to the Assigning Authority a report stating the result of the survey and containing such particulars of the ship as are required by the Assigning Authority to permit the assignment of the appropriate freeboards to the ship.
- (4) On receipt of the surveyor's report the Assigning Authority, if satisfied that the ship complies with the appropriate provisions of these rules to the extent thereby required in the case of that ship, shall assign freeboards to the ship and shall furnish the owners with particulars as to the nature of the load lines and of the position in which the deck line and the load lines are to be marked on the ship.
- (5) The position of each load line shall be such that the distance measured vertically from the upper edge of the deck line to the upper edge of the load line is equal to the freeboard assigned to the ship that is appropriate to that load line.
6. (1) Every application for the annual survey of a ship under the provisions of subsection (4) of section 436 of the Act, for the purpose of seeing whether the load line certificate issued to that ship should remain in force, shall be made by or on behalf of the owner to the Assigning Authority by whom the certificate was issued.
  - (2) There shall be paid in respect of such survey the fee prescribed in Schedule A.
  - (3) The Assigning Authority shall, upon receipt of the application and of the prescribed fee, cause the ship to be surveyed by a surveyor; the surveyor shall survey the ship with a view to satisfying himself
    - (i) that the fittings and appliances for the protection of openings, the guard-rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued; and
    - (ii) that no material alterations have taken place in the hull or superstructures of the ship which affect the positions of the load lines.

**Canada Shipping Act—continued**

(4) Upon the completion of the survey to the satisfaction of the surveyor, he shall forward a report thereon to the Assigning Authority and endorse on the certificate a statement that the survey of the ship has been so completed; a copy of such report shall be forwarded to the Chairman.

(5) Where a ship has had load lines assigned the Assigning Authority shall report to the Minister every case of neglect on the part of the owner to have such ship submitted for annual survey.

7. When the Assigning Authority is the Chairman

- (a) application for assignment of load lines in respect of a ship or for the renewal of a load line certificate shall be made in duplicate in such form as the Board may require and shall be addressed to the office of the Steamship Inspector in the district in which the ship will be surveyed or, where the ship is not to be surveyed in Canada, to the Chairman;
- (b) where a ship, in respect of which application is made for the assignment of load lines, is one classed in a recognized classification society, the certificate of class or a certified copy thereof shall be attached to the application; and
- (c) where a ship is not one classed to the highest standard of a recognized classification society, the application for the assignment of load lines shall be accompanied by such plans as the Board may require.

### PART III

#### *Load Line Marks*

8. On receiving from the Assigning Authority the particulars as to the deck line and load lines as provided in subsection (4) of rule 5, the owner shall cause to be marked on each side of the ship, to the satisfaction of the surveyor, the appropriate marks in accordance with this Part.

9. The diamond, lines and letters described in rule 10, shall be marked in such manner as, in the surveyor's opinion, will make them plainly visible; they shall be painted in white or yellow on a dark ground, or in black on a light ground, and shall also be carefully cut in or centre-punched on the sides of iron and steel ships, and on wood ships shall be cut into the planking for at least one-eighth of an inch.

10. A steamship shall be marked on each side with a deck line and load lines as follows:

- (a) a deck line which shall be a horizontal line twelve inches in length and one inch in breadth marked amidships with its upper edge passing through the point where the continuation outwards of the upper surface of the free-board deck intersects the outer surface of the shell, (*see Figure 1.*); where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outwards of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell;
- (b) a load line diamond which shall be a square fifteen inches on each diagonal with one diagonal vertical and which shall be intersected by a horizontal line twenty-one inches in length and

**Canada Shipping Act—continued**

one inch in breadth, the upper edge of which shall coincide with the horizontal diagonal of the diamond; the diamond shall be marked amidships, below the deck line;

- (c) horizontal lines, nine inches in length and one inch in breadth, which extend from and are at right angles to a vertical line marked twenty-one inches forward of the centre of the diamond (see Figure 1), and which indicate the maximum depth to which the ship may be loaded in different circumstances and in different seasons; these lines are as follows:
- (i) the midsummer line, applicable only to cargo steamships, including tankers, non-propelled cargo ships of shipshape form, and non-propelled tankers of shipshape form, indicated by the upper edge of a line extending forward from the vertical line referred to above, marked "MS";
  - (ii) the summer load line, indicated by the upper edge of a line which passes through the centre of the diamond and also by the upper edge of a line extending forward from the vertical line referred to above, marked "S";
  - (iii) the intermediate load line, indicated by the upper edge of a line extending forward from the vertical line referred to above, marked "I";
  - (iv) the winter load line, indicated by the upper edge of a line extending forward from the vertical line referred to above, marked "W"; and
  - (v) the salt water load line, applicable only to ships that operate in salt water within the inland waters limits, indicated by the upper edge of a line extending aft from the vertical line referred to above, marked "SW".

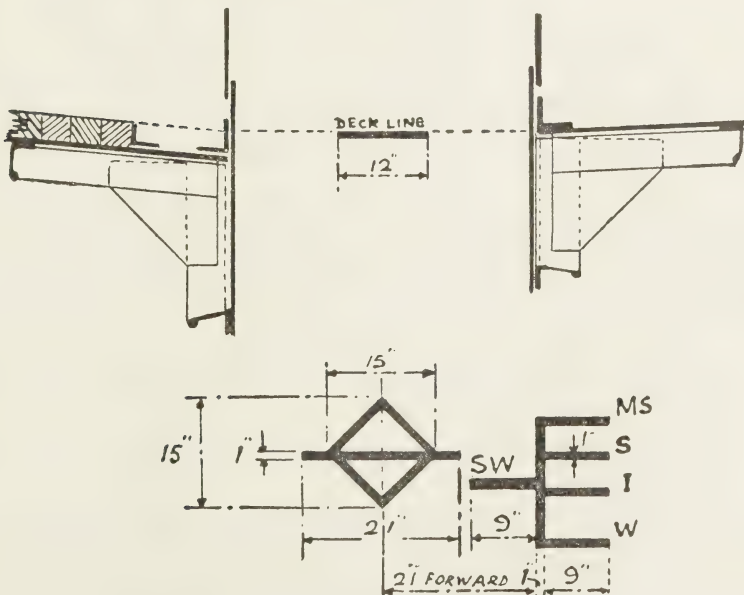


FIGURE 1.



**Canada Shipping Act—continued**

11. A sailing ship shall be marked on each side with a deck line, a load line diamond, a summer load line, a winter load line, and a salt water load line, as provided in rule 10.

12. For the purpose of indicating the name of the Assigning Authority by whom the freeboards have been assigned, letters measuring about  $4\frac{1}{2}$  inches by 3 inches may be marked alongside the diamond and above the line through the centre of the diamond.

## PART IV

*Certificates*

13. Every load line certificate in respect of freeboards assigned to a ship shall be issued by the Assigning Authority by whom those freeboards were assigned and shall be in the form set out in Schedule B, or in such other form substantially to the like effect as the Minister may from time to time direct.

14. (1) On the Assigning Authority being satisfied that the ship has been marked to the surveyor's satisfaction as required by these rules and that the prescribed fee has been paid, the certificate shall be delivered to the applicant together with a certified copy thereof.

(2) A further certified copy of each certificate issued by any Assigning Authority other than the Chairman shall be sent to the Chairman by the Assigning Authority.

## PART V

*Conditions of Assignment**Openings in Freeboard and Superstructure Decks*

15. The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks shall be at least equivalent to the standards laid down in rules 16 to 22.

16. (1) The height of hatchway coamings on freeboard decks shall be at least 18 inches above the deck; the height of coamings on superstructure decks shall be at least 18 inches above the deck if situated within one quarter of the ship's length from the stem, and at least 12 inches if situated elsewhere.

(2) Coamings shall be of steel, shall be substantially constructed and, where the height of the coamings above the deck exceeds 24 inches, shall be specially stiffened to the satisfaction of the Assigning Authority.

17. Covers to exposed hatchways shall be efficient and shall comply with the following requirements:

- (a) on all ships which have a length in excess of 350 feet and which carry cargoes in bulk, the covers on exposed hatchways shall be of steel and shall comply with paragraphs (b) and (c);
- (b) solid steel covers shall be stiffened by stiffeners spaced not more than 42 inches apart, these stiffeners being not less effective than

**Canada Shipping Act—continued**

would be provided by steel sections riveted or welded to the plate and having a section modulus in inches cubed not less than that obtained from the formula

$$\frac{I}{y} = S \times L^2 \times .025$$

where S = spacing of the stiffeners in feet

L = the length of the unsupported span in feet

I = the moment of inertia of the section in inch units

y = the distance measured from the neutral axis of the section to the extremity of the section in inches;

the thickness of the plating for solid steel covers shall not be less than .24" where the spacing of the stiffeners is 24 inches and .36" where the spacing is 42 inches; where the spacing of the stiffeners is between 24 inches and 42 inches the thickness of the plating is to be obtained by interpolation;

- (c) covers of the sliding plate type stiffened on one edge by flanges or by riveted or welded stiffeners are to be so arranged that the spacing of the stiffeners when the hatch is closed does not exceed 42 inches; the stiffening at the edges of these covers and the thickness of the plating shall not be less effective than the stiffening and thickness required in paragraph (b) for solid plate covers; where covers of the sliding plate type are fitted and the unsupported span exceeds 12 feet 1 inch, additional support shall be provided to the satisfaction of the Assigning Authority;
- (d) where wood hatch covers are fitted on exposed hatchways the thickness shall be at least 2½ inches in association with a span of not more than 6 feet; the width of each bearing surface for these hatchway covers shall be at least 2½ inches.

18. (1) Where wood hatchway covers are fitted they shall be supported by a system of main beams all extending in one direction, or by a system of main beams in association with auxiliary beams which rest on top of the main beams and are fitted at right angles thereto; the unsupported span of the wood covers shall not exceed 6 feet.

(2) The main beams may be of rolled or built section and the auxiliary beams may be either rolled or built sections or may be of wood of rectangular section; these beams shall have section moduli in inches cubed not less than those obtained from the formula:

$$\frac{I}{y} = S \times L^2 \times C$$

where S = the spacing of the main or auxiliary beams in feet

L = the length of the unsupported span in feet

C = .03 for steel main beams where 18" coamings are required,  
C = .025 for steel main beams where 12" coamings are required,

C = .025 for steel auxiliary beams where 18" coamings are required,

**Canada Shipping Act—continued**

- $C = \cdot 02$  for steel auxiliary beams where 12" coamings are required,  
 $C = \cdot 15$  for wood auxiliary beams where 18" coamings are required, and  
 $C = \cdot 12$  for wood auxiliary beams where 12" coamings are required,  
 $I$  = the moment of inertia of the section in inch units,  
 $y$  = the distance measured from the neutral axis of the section to the extremity of the section in inches.

(3) The top flanges of the beams shall extend for the full length of the beams; wood auxiliary beams shall be steel shod at all bearing surfaces.

(4) In the case of small wood ships where the hatchway openings are of moderate size, the beams which support the hatchway covers may be of wood provided that they have strength equivalent to that of the beams that would be required by subsection (1); provided that the Assigning Authority is satisfied that the protection of the opening is effective.

19. Carriers or sockets for hatchway beams and fore-and-afters shall be of steel at least  $\frac{1}{2}$  inch thick, and shall have a width of bearing surface of at least 3 inches.

20. Strong cleats at least  $2\frac{1}{2}$  inches wide or efficient clamping devices shall be fitted at intervals of approximately 2 feet from centre to centre; the end cleats shall be placed not more than 6 inches from each corner of the hatchway; where steel covers are fitted suitable approved types of fasteners, spaced to suit the width of the covers, shall be installed.

21. (1) Battens and wedges shall be efficient and in good condition.

(2) At least one tarpaulin in good condition, thoroughly waterproof and of ample strength, shall be provided for each hatchway in an exposed position on freeboard and superstructure decks; the material of the tarpaulins shall be guaranteed free from jute, and the minimum weight of the material, before treatment, shall be 19 ounces per square yard if to be tarred, 18 ounces per square yard if to be chemically dressed, or 16 ounces per square yard for black oil dressing

22. At all hatchways in exposed positions on freeboard or superstructure decks suitable provision shall be made for securing the covers after the tarpaulins are battened down.

23. (1) Cargo, coaling and other hatchways in the freeboard deck within superstructures that are fitted with closing appliances less efficient than Class 1 but not less efficient than Class 2 shall have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways.

(2) Where the closing appliances are less efficient than Class 2, the hatchways shall have coamings at least 12 inches in height, and shall have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

(3) In the case of car ferries fitted with efficient "sea gates" extending above the freeboard deck at least to the height of a standard superstructure, coamings of less height may be fitted, provided that the hatchways

**Canada Shipping Act—continued**

within the superstructures are fitted with close fitting steel covers having efficient securing devices; when the openings in freeboard decks are not provided with closing devices, the coamings shall extend above the freeboard deck at least to the height of a standard superstructure.

24. (1) Machinery space openings in exposed positions on freeboard decks and raised quarter decks shall be properly framed and efficiently enclosed by steel casings of ample strength; doors in such casings shall be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides; the sills of openings shall be at least 18 inches above the freeboard deck and 12 inches above the raised quarter deck.

(2) Fiddley, funnel and ventilator coamings shall be as high above the deck as is reasonable and practicable; fiddley openings shall have strong steel covers permanently attached in their proper positions; engine room skylights shall be of strong construction, preferably of steel.

25. (1) Machinery space openings in exposed positions on superstructure decks other than raised quarter decks shall be properly framed and efficiently enclosed by strong steel casings; doors in such casings shall be strongly constructed, permanently attached, and capable of being closed and secured from both sides; the sills of the openings shall be at least 9 inches above the superstructure decks.

(2) Fiddley, funnel and ventilator coamings shall be as high above the deck as is reasonable and practicable; fiddley openings shall have strong steel covers permanently attached in their proper positions; engine room skylights shall be of strong construction, preferably of steel.

26. Machinery space openings in the freeboard deck within superstructures that are fitted with closing appliances less efficient than Class 1 shall be properly framed and efficiently closed by steel casings; doors in such casings shall be strongly constructed, permanently attached and capable of being securely closed; the sills of such openings shall be at least 6 inches above the deck where the superstructures are closed by Class 2 closing appliances, and at least 12 inches above the deck where the closing appliances are less efficient than Class 2.

27. Flush scuttles, where fitted, shall be of iron or steel, of substantial construction, with screw or bayonet joints; such scuttles shall be provided with permanent chain or other suitable attachment.

28. Companionways in exposed positions on freeboard decks and on decks of enclosed superstructures shall be of substantial construction; the sills of the doorways shall be 18 inches on freeboard decks and on superstructure decks within a quarter of the ship's length from the stem, and 12 inches on superstructure decks elsewhere; the doors shall be strongly constructed and capable of being closed and secured from both sides; where the companionway is situated within a quarter of the ships' length from the stem, it shall be of steel and riveted to the deck plating.

29. (1) Ventilators in exposed positions on freeboard and superstructure decks to spaces below freeboard decks or decks of superstructures which are intact or fitted with Class 1 closing appliances shall have coamings of steel, substantially constructed, and efficiently connected to the deck; the deck plating at the base of the coamings shall be efficiently stiffened between the deck beams; the openings of ventilator coamings shall be provided with efficient closing arrangements.



**Canada Shipping Act—continued**

(2) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the ship's length from the stem, and the closing arrangements of the ventilator coamings are of a temporary character, the coamings shall be at least 30 inches in height; in other exposed positions on the superstructure deck they shall be at least 24 inches in height; where the coaming of any ventilator exceeds 36 inches in height, it shall be specially supported and secured.

30. Where the air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes shall be of substantial construction; the height from the deck to the opening shall be at least 30 inches in wells on freeboard decks, 24 inches on raised quarter decks, and 12 inches on other superstructure decks; efficient means shall be provided for closing the openings of the air pipes; where these heights would interfere with the working of the ship a lower height may be approved provided the air pipe cap is properly protected and the air pipe is fitted with adequate means of closing.

*Openings in the Sides of Ships*

31. Openings in the sides of ships such as gangways, cargo ports, coal-ing ports, rubbish shoots or ash shoots which are below the freeboard deck shall be fitted with watertight doors or with covers which, with their securing appliances, shall be of sufficient strength.

32. (1) Scuppers and sanitary discharge pipes led through the ship's sides from spaces below the freeboard deck shall be fitted with efficient and accessible means for preventing water from passing inboard; each separate discharge shall have either an automatic non-return valve with a positive means of closing it from a position above the freeboard deck, or two automatic non-return valves without positive means of closing, provided that the upper valve is situated so that it is always accessible for examination under service conditions; the positive action valve shall be readily accessible and shall be provided with means for showing whether the valve is open or closed; cast iron shall not be accepted for such valves when attached to the sides of the ship.

(2) The provisions of subsection (1) apply to discharges from spaces within enclosed superstructures if and to the extent that the assigning authority considers necessary, having regard to the type and location of the inboard ends of such openings.

(3) Where scuppers are fitted in superstructures not fitted with Class 1 closing appliances they shall have efficient means for preventing the accidental admission of water below the freeboard deck.

33. (1) Side scuttles to spaces below the freeboard deck, or to spaces below the superstructure deck of superstructures closed by Class 1 or Class 2 closing appliances, shall be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

(2) Where such spaces in superstructures are appropriated to passengers, other than steerage passengers, or to crew, the side scuttles may have portable deadlights stowed adjacent to the side scuttles, provided that they are readily accessible at all times on service; the side scuttles and deadlights shall be of substantial construction and suitable for the purpose for which they are intended.

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*Miscellaneous Provisions*

34. Efficient guard-rails or bulwarks shall be fitted on all exposed portions of freeboard and superstructure decks.

35. (1) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells", ample provision shall be made for rapidly freeing the decks of water and for draining them; the minimum freeing port area on each side of the ship for each well on freeboard decks and on raised quarter decks shall be that given by the following scale; the minimum area for each well on any superstructure deck other than a raised quarter deck shall be one-half the area given by that scale; where the length of the well exceeds seven-tenths of the length of the ship, as defined in rule 39, the Assigning Authority may modify that scale; in ships with less than the standard sheer the freeing port area shall be increased as required by the Assigning Authority.

*Scale of Freeing Port Area*

<i>Length of bulwarks in "well" in feet</i>	<i>Freeing port area on each side in square feet</i>
15 .....	8.0
20 .....	8.5
25 .....	9.0
30 .....	9.5
35 .....	10.0
40 .....	10.5
45 .....	11.0
50 .....	11.5
55 .....	12.0
60 .....	12.5
65 .....	13.0
Above 65 .....	1 square foot for each additional 5 feet length of bulwarks.

(2) The lower edges of the freeing ports shall be as near the deck as practicable and as a general rule shall not be higher than the upper edge of the gunwale bar; two-thirds of the freeing port area required shall be provided in the midship half of the well.

(3) All such openings in the bulwarks shall be protected by rails or bars spaced about nine inches apart; where shutters are fitted to freeing ports, ample clearance shall be provided to prevent jamming; hinges shall have brass pins.

36. (1) Gangways, lifelines or other satisfactory means shall be provided for the protection of the crew in getting to and from their quarters.

(2) Houses on freeboard decks for the accommodation of the crew shall be of ample strength to the satisfaction of the Assigning Authority.

37. Notwithstanding anything in this Part, the Assigning Authority may

- (a) in any exceptional case, allow departures from the provisions thereof on condition that the freeboards computed for the ship are increased to such extent as will, in the opinion of the Board,

**Canada Shipping Act**—*continued*

- secure that the protection afforded to the ship and crew is not less effective than it would be if the ship fully complied with the said provisions and there had been no increase of freeboards; and
- (b) in the case of a wood ship, accept hatch coamings, hatch beams and closing appliances of wood, provided that the efficiency of such parts of the ship is satisfactory to the Assigning Authority.

## PART VI

*Computation of Freeboards for Steamships*

38. Subject to rule 37, the freeboards for steamships, other than tankers or steamships of special type to which freeboards are assigned under Parts VII and IX, shall be computed in accordance with this Part.

39. The length (L) for the purposes of these rules is the length in feet on the summer load waterline from the foreside of the stem to the afterside of the rudder post; where there is no rudder post, the length is to be measured from the foreside of the stem to the axis of the rudder stock; for ships with cruiser sterns, the length shall be taken as 96 per cent of the length on the designed summer load waterline or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

40. The breadth (B) for the purposes of these rules is the maximum breadth in feet amidships measured to the moulded line of the frame in iron or steel ships, and to the outside of the planking in wood or composite ships.

41. The moulded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side; in wood or composite ships the distance is measured from the lower edge of the keel rabbet; where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

42. (1) The depth (D) for the purposes of these rules is the moulded depth plus the thickness of the stringer plate or plus

$$\frac{T (L - S)}{L}$$

if that be greater,

where T is the mean thickness of the exposed deck clear of deck openings, and S is the total length of superstructures as defined in rule 47.

(2) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam and area of topside section equal to that in the actual midship section; where there is a step or break in the topsides (e.g. as in the turret deck ship) 70 per cent of the area above the step or break is included in the area used to determine the equivalent section.

(3) In a ship without an enclosed superstructure covering at least .6L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, the depth to

be used with the table set out in rule 72 shall not be less than  $\frac{L}{15}$  in ships

**Canada Shipping Act—continued**

below 350 feet in length, or less than that shown in the following table for lengths of 350 feet and above; the minimum depths at intermediate lengths are to be obtained by interpolation.

L in feet	Minimum depth in feet	L in feet	Minimum depth in feet	L in feet	Minimum depth in feet
350	23.33	450	27.65	550	30.20
375	24.70	475	28.40	575	30.70
400	25.80	500	29.05	600	31.15
425	26.80	525	29.65	625	31.60

43. (1) The coefficient of fineness ( $c$ ) for the purposes of these rules is given by the formula

$$c = \frac{\Delta}{L \cdot B \cdot d_1}$$

where  $\Delta$  is the volume in cubic feet of the ship's moulded displacement (excluding bossing) at a mean moulded draught  $d_1$  which is 85 per cent of the moulded depth.

(2) The coefficient ( $c$ ) shall not be taken as less than .68.

*Strength*

44. (1) The Assigning Authority shall be satisfied with the structural strength of any ship before assigning to it a freeboard.

(2) Ships which comply with the highest standard of the rules of a classification society recognized for this purpose by the Minister shall be regarded as having sufficient strength for the minimum freeboards allowed under these rules.

(3) Ships that do not comply with the highest standard of the rules of a classification society recognized as aforesaid shall be assigned such increased freeboards as shall be determined by the Assigning Authority, having regard to the extent to which the ship complies with the following strength moduli:

(i) Material: The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open hearth process (acid or basic) and having a tensile strength of 26 to 32 tons, of 2,240 pounds each, per square inch, and an elongation of at least 16 per cent on a length of 8 inches.

Strength Deck: The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

Depth to Strength Deck ( $D_s$ ): The depth to the strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

Draught ( $d$ ): The draught is the vertical distance in feet amidships from the top of the keel to the centre of the diamond, provided that where a midsummer load line is assigned the draught shall be the draught to that load line.

(ii) Longitudinal Modulus: The longitudinal modulus  $\frac{I}{y}$  is the



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moment of inertia *I* of the midship section about the neutral axis divided by the distance *y* measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes; areas shall be measured in square inches and distances in feet.

Below the strength deck all continuous longitudinal members, other than such parts of the under deck girders as are required entirely for supporting purposes, are included; above the strength deck the gunwale angle bar and the extension of the sheerstrake are the only members included.

The required longitudinal modulus for effective material is expressed by the formula, f.d.B., where *f* is the factor obtained from the following table:

L	f	L	f
100	1.70	380	8.70
120	1.95	400	9.30
140	2.20	420	9.90
160	2.50	440	10.50
180	2.90	460	11.10
200	3.40	480	11.70
220	3.90	500	12.30
240	4.50	520	12.90
260	5.10	540	13.50
280	5.70	560	14.10
300	6.30	580	14.70
320	6.90	600	15.30
340	7.50	620	15.90
360	8.10	.....	.....

For intermediate lengths, the value of *f* is determined by interpolation.

This formula applies where the ratio  $\frac{L}{D_s}$  does not exceed

13.5 in ships of 325 feet in length and under, and 19 in ships of 600 feet in length and above. Intermediate values for lengths between 325 feet and 600 feet are to be obtained by interpolation.

Where the length of a ship is in excess of 600 feet and the ratio  $\frac{L}{D_s}$  exceeds 19 the factor *f* is to be increased to the satisfaction of the Board.

- (iii) Frame: For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

Frame Modulus: The modulus  $\frac{I}{y}$  of the midship frame below

the lowest tier of beams is the moment of inertia *I* of the frame section about the neutral axis divided by the distance *y* measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

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The required frame modulus is expressed by the formula

$$\frac{s (d - t) (f_1 + f_2)}{1,000}$$

where  $s$  is the frame spacing in inches;

$t$  is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see Figure 2); where there is no double bottom,  $t$  is measured to a point midway between the top of the floor at centre and the top of the floor at side;

$f_1$  is a coefficient depending on  $H$ , which, in ships fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see Figure 2). Where there is no double bottom,  $H$  is measured to a point midway between the top of the floor at centre and the top of the floor at side. Where the frame obtains additional strength from the form of the ship, due allowance is made in the value of  $f_1$ ;

$f_2$  is a coefficient depending on  $K$ , which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side (see Figure 2). The values of  $f_1$  and  $f_2$  are obtained from the following tables:

H in feet:	0	7	9	11	13	15	17	19	21	23	25
$f_1$ .....	9	11	12.5	15	19	24	29.5	36	43	51	59

K in feet:	0	5	10	15	20	25	30	35	40
$f_2$ .....	0	0.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0

Intermediate values are obtained by interpolation.

This formula applies where  $D$  is between 15 feet and 60 feet,

both inclusive,  $B$  is between  $\frac{L}{10} + 5$  and  $\frac{L}{10} + 20$  both inclusive, —

does not exceed 13.5 in ships of 325 feet in length and under, and 19 in ships of 600 feet in length and above, (intermediate values between lengths of 325 feet and 600 feet are to be obtained by interpolation), and the horizontal distance from the outside of the frame to the centre of the first row of pillars does not exceed 20 feet.

In single deck ships of ordinary form, where  $H$  does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor  $f_3$ , where

$$f_3 = 0.50 + 0.05 (H - 8).$$

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Where the horizontal distance from the outside of the frame to the centre of the first row of pillars exceeds 20 feet, sufficient additional strength shall be provided to the satisfaction of the Assigning Authority.

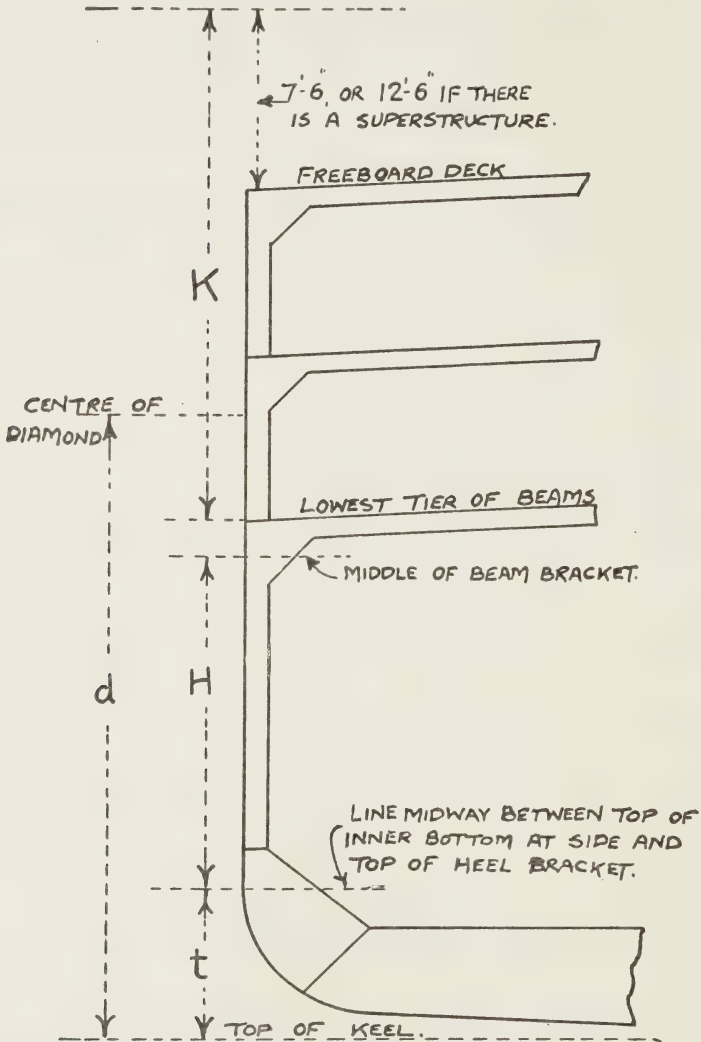


FIGURE 2

*Superstructures*

45. The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between the moulded depth and  $D$ , as defined in rules 41 and 42.

46. The standard height of a raised quarter deck is 3 feet for ships up to and including 100 feet in length, 4 feet for ships 250 feet in length, and 6 feet for ships 400 feet in length and above; the standard height of any other superstructure or of a trunk is 6 feet for ships up to and including

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250 feet in length, and 7 feet 6 inches for ships 400 feet in length and above; the standard height at intermediate lengths is obtained by interpolation.

47. The length of a superstructure (S) is the mean covered length of the parts of the superstructure which extend to the sides of the ship and lie within lines drawn perpendicular to the extremities of the summer load waterline, as defined in rule 39.

48. A detached superstructure is regarded as enclosed only where

- (a) the enclosing bulkheads are of efficient construction as required by rule 49;
- (b) the access openings in these bulkheads are fitted with Class 1 or Class 2 closing appliances (as defined in rules 50 and 51);
- (c) all other openings in sides or ends of the superstructure are fitted with efficient weathertight means of closing; and
- (d) independent means of access to crew, machinery, bunker and other working spaces within bridges and poops are at all times available when the bulk-head openings are closed.

49. (1) Bulkheads at exposed ends of poops, bridges and forecastles are deemed to be of efficient construction where the Assigning Authority is satisfied that, in the circumstances, they are equivalent to the following standard for ships with minimum freeboards, under which standard the stiffeners and plating are of the scantlings given in the table hereinafter contained, the stiffeners are spaced thirty inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT

Bridge Front Bulkheads. Unprotected bulkheads of poops .4L or more in length		Bulkheads of Poops partially protected or less in length than .4L		After bulkheads of Bridges and Forecastles	
Length of ship	Bulb angle stiffeners	Length of ship	Plain angle stiffeners	Length of ship	Plain angle stiffeners
Feet	Inches	Feet	Inches	Feet	Inches
Under 160	5½ x 3 x .30	Under 150	3 x 2½ x .30	Under 150	2½ x 2½ x .26
160	6 x 3 x .32	150	3½ x 2½ x .32	150	3 x 2½ x .28
200	6½ x 3 x .34	200	4 x 3 x .34	250	3½ x 3 x .30
240	7 x 3 x .36	250	4½ x 3 x .36	350	4 x 3 x .32
280	7½ x 3 x .38	300	5 x 3 x .38		
320	8 x 3 x .40	350	5½ x 3 x .42		
360	8½ x 3 x .42	400	6 x 3 x .44		
400	9 x 3 x .44	450	6½ x 3½ x .46		
440	9½ x 3½ x .46	500	7 x 3½ x .48		
480	10 x 3½ x .48	550	7 x 3½ x .50		
520	10½ x 3½ x .50				
560	11 x 3½ x .52				
Length of ship	Bulkhead plating	Length of ship	Bulkhead plating	Length of ship	Bulkhead plating
Feet	Inch	Feet	Inch	Feet	Inch
200 and under	.3	160 and under	.24	160 and under	.20
380 and above	.44	400 and above	.38	400 and above	.30



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(2) For ships intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

*Appliances for Closing Access Openings in Bulkheads at Ends  
of Detached Superstructures*

50. The following conditions apply to Class 1 closing appliances—they shall be constructed of iron or steel, they shall in all cases be permanently and strongly attached to the bulkhead, they shall be framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead and they shall be weathertight when closed; the means for securing these appliances shall be permanently attached to the bulkhead or to the appliances and the latter shall be so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above; the sills of the access openings shall be at least 12 inches above the deck.

51. The following closing appliances are classified as Class 2 closing appliances:

- (a) strongly framed hard wood hinged doors, which are not more than thirty inches wide or less than 2 inches thick;
- (b) shifting boards fitted for the full height of the openings in channels riveted to the bulkheads, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width; or
- (c) portable plates of equal efficiency with the appliances specified in paragraphs (a) or (b).

*Temporary Appliances for Closing Openings  
in Superstructure Decks*

52. Temporary closing appliances for middle line openings in the deck of an enclosed superstructure shall be regarded as efficient when they consist of

- (a) a steel coaming not less than 9 inches in height efficiently riveted to the deck;
- (b) wood hatchway covers, as described in rule 17, secured by hemp lashings; and
- (c) hatchway supports as required by rules 18 and 19.

*Effective Length of Detached Superstructures*

53. For the purpose of determining the effective length of detached superstructures rules 54 to 59 shall apply.

54. (1) Where exposed bulkheads at the ends of poops, bridges, and forecastles are not of efficient construction (see rule 49) they shall be treated as non-existent.

(2) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening shall be regarded as having no effective length.

(3) Where the height of a superstructure is less than the standard, its effective length shall be reduced in the ratio of the actual to the standard height; where the height exceeds the standard, no increase shall be made in the effective length of the superstructure.

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55. (1) Where, at the end of a poop, there is an efficient bulkhead and the access openings are fitted with Class 1 closing appliances, the length of the poop to the bulkhead shall be the effective length.

(2) Where the access openings in an efficient bulkhead are fitted with Class 2 closing appliances and the length of the poop to the bulkhead is .5L or less, 100 per cent of that length shall be the effective length; where the length is .7L or more, 90 per cent of that length shall be the effective length; where the length is between .5L and .7L an intermediate percentage of that length shall be the effective length; but where in any of these cases an allowance is given for an efficient adjacent trunk (see rule 59) only 90 per cent of the length to the bulkhead shall be the effective length.

(3) Fifty per cent of the length of an open poop or of an open extension of a poop beyond an efficient bulkhead shall be the effective length of the open poop or of the extension, as the case may be.

56. Where, at the end of a raised quarter deck, there is an efficient intact bulkhead, the length of the raised quarter deck to the bulkhead shall be the effective length; where the bulkhead is not intact, the superstructure shall be regarded as a poop of less than the standard height.

57. (1) Where, in a bridge, there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with Class 1 closing appliances, the length between the bulkheads shall be the effective length.

(2) Where, in a bridge, the access openings in the forward bulkhead are fitted with Class 1 closing appliances and the access openings in the after bulkhead with Class 2 closing appliances, the length between the bulkheads shall be the effective length; but where an allowance is given for an efficient trunk adjacent to the after bulkhead (see rule 59), 90 per cent of the length shall be the effective length; where the access openings in both bulkheads are fitted with Class 2 closing appliances 90 per cent of the length between the bulkheads shall be the effective length; where the access openings in the forward bulkhead are fitted with Class 1 or Class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 per cent of the length between the bulkheads shall be the effective length; where the access openings in both bulkheads have no closing appliances, 50 per cent of the length shall be the effective length.

(3) Seventy-five per cent of the length of an open extension beyond the after bulkhead of a bridge, and 50 per cent of that beyond the forward bulkhead shall be the effective length.

58. (1) Where, at the end of a forecastle, there is an efficient bulkhead and the access openings are fitted with Class 1 or Class 2 closing appliances, the length of the forecastle to the bulkhead shall be the effective length.

(2) Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 per cent of the length of a forecastle forward of .1L from the forward perpendicular shall be the effective length; where the sheer forward is half the standard sheer or less, 50 per cent of that length shall be the effective length; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length shall be the effective length.

**Canada Shipping Act—continued**

(3) Fifty per cent of the length of an open extension beyond the bulkhead of a forecastle or beyond  $\cdot 1L$  from the forward perpendicular shall be the effective length.

59. (1) A trunk or similar structure which does not extend to the sides of the ship shall be regarded as efficient, provided that

- (a) the trunk is at least as strong as a superstructure;
- (b) the hatchways are in the trunk deck and comply with the requirements of rules 15 to 22, and the width of the trunk deck stringer provides satisfactory gangway and sufficient lateral stiffness;
- (c) a permanent working platform fore and aft fitted with guard-rails is provided by the trunk deck or by detached trunks connected to other superstructures by efficient permanent gangways;
- (d) ventilators are protected by the trunk, by watertight covers or by equivalent means;
- (e) open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length; and
- (f) the machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

(2) Where access openings in poop and bridge bulkheads are fitted with Class 1 closing appliances, 100 per cent of the length of an efficient trunk reduced in the ratio of its mean breadth to  $B$  (as defined in rule 40), shall be added to the effective length of the superstructures; where the access openings in these bulkheads are not fitted with Class 1 closing appliances 90 per cent of the length reduced as above shall be added.

(3) Where the height of the trunk is less than the standard height as determined in accordance with rule 46, the addition referred to in subsection (2) shall be reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the height of coamings required by rule 16, a reduction from the actual height of trunk shall be made corresponding to the difference between the actual height of the coamings and the height required by rule 16.

*Effective Length of Enclosed Superstructures With Middle Line Openings*

60. Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing in accordance with rules 15 to 22, the effective length of the superstructure is determined as follows:

- (a) where efficient temporary closing appliances are not provided for the middle line deck openings in accordance with rule 52, or the breadth of opening is 80 per cent or more of the breadth ( $B_1$ ) of the superstructure deck at the middle of the opening, the ship shall be regarded as having an open well in way of each opening, and freeing ports shall be provided in way of this well; the effective length of superstructure between openings shall be ascertained by applying rules 55, 57 and 58.
- (b) where efficient temporary closing appliances as defined in rule 52 are provided for middle line deck openings and the breadth of opening is less than  $\cdot 8B_1$ , the effective length of superstructure between openings shall be ascertained by applying rules 55, 57

Canada Shipping Act—continued

and 58, except that where access openings in 'tween deck bulkheads are closed by Class 2 closing appliances they shall be regarded as being closed by Class 1 closing appliances; the total effective length shall be obtained by adding to the length thus determined the difference between that length and the length of the ship, modified in the ratio of

$$\frac{B_1 - b}{B_1} \text{ where } b = \text{breadth of deck opening;}$$

where  $\frac{B_1 - b}{B_1}$  is greater than .5 it is taken as .5

*Deductions for Superstructures*

61. Where the effective length of superstructure is 1.0L, the deduction from the freeboard shall be 14 inches at 80 feet length of ship, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths shall be obtained by interpolation; where the total effective length of superstructure is less than 1.0L, the deduction shall be a percentage obtained from the following table:

Superstructures	Total effective length of superstructure (E)											Line
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	
All types with forecastle and without detached bridge.....	0	5	10	15	23.5	32	46	63	75.3	87.7	100	A
•All types with forecastle and detached bridge.....	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100	B

\*Where the effective length of a detached bridge is less than .2L the percentages are obtained by interpolation between lines B and A.

Where no forecastle is fitted the above percentages are reduced by 5.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

*Sheer*

62. (1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(2) In flush deck ships and in ships with detached superstructures, the sheer shall be measured at the freeboard deck.

(3) In ships with top sides of unusual form in which there is a step or break in the top sides, the sheer shall be considered in relation to the equivalent depth amidships determined in accordance with rule 42.

(4) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(5) Where a superstructure is intact or access openings in its enclosing bulkheads are fitted with Class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.



**Canada Shipping Act—continued**

63. The ordinates (in inches) of the standard sheer profile are given in the following table, where L is the number of feet in the length of the ship:

Station	Ordinate	Factor
A.P.	.1 L + 10	1
1/6 L from A.P.	.0445 L + 4.45	4
1/3 L from A.P.	.011 L + 1.1	2
Amidships	0	4
1/3 L from F.P.	.022 L + 2.2	2
1/6 L from F.P.	.089 L + 8.9	4
F.P.	.2 L + 20	1

A.P. = After end of the summer load waterline.

F.P. = Fore end of the summer load waterline.

64. (1) Where the sheer profile differs from the standard, the seven ordinates of each profile shall be multiplied by the appropriate factors given in the table of ordinates; the difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer.

(2) Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit shall be allowed for the part in excess.

(3) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 per cent of the standard, credit shall be allowed for the part in excess; where the after part is less than 50 per cent of the standard no credit shall be given for the excess sheer forward; where the after sheer is between 50 per cent and 75 per cent of the standard, an intermediate allowance may be granted for excess sheer forward.

65. The correction for variations from the standard sheer shall be the deficiency or excess of sheer determined in accordance with rule 64

multiplied by  $\cdot 75 - \frac{S}{2L}$  where S is the total length of the superstructure

as defined in rule 47.

66. Where the sheer is less than the standard, the correction for deficiency in sheer, determined in accordance with rule 65 shall be added to the freeboard.

67. In flush deck ships and in ships where an enclosed superstructure covers .1L before and .1L abaft amidships, the correction for excess of sheer determined in accordance with rule 65 shall be deducted from the freeboard; in ships with detached superstructure where no enclosed superstructure covers amidships, no deduction for excess of sheer shall be made from the freeboard; where an enclosed superstructure covers less than .1L before and .1L abaft amidships, the deduction for excess of sheer shall be obtained by interpolation; the maximum deduction for excess of sheer shall be  $1\frac{1}{2}$  inches at 100 feet length of ship and shall increase at the rate of  $1\frac{1}{2}$  inches for each additional 100 feet in the length of the ship.

Canada Shipping Act—continued

Round of Beam

68. The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the ship.

69. Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard shall be decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures; twice the standard round of beam is the maximum for which allowance may be given.

Minimum Freeboards

70. The minimum freeboard in summer shall be the freeboard derived from the table set out in rule 74 after correction for departures from the standards and after deduction for superstructures in accordance with these rules, so however that if the freeboard, calculated in accordance with these rules but before the correction required by note (v) appended to the table is made, be less than 2 inches, 2 inches shall be substituted therefor.

71. The minimum freeboard in midsummer may be obtained by a deduction from the summer freeboard as defined in rule 70, of a distance in inches obtained by multiplying .3 by the summer draught in feet measured from the top of the keel to the centre of the load line diamond, but in no case shall the freeboard be less than 2 inches.

72. The minimum freeboards for the intermediate and winter seasons shall be obtained by an addition to the summer freeboard of a distance in inches obtained by multiplying the summer draught in feet measured from the top of the keel to the centre of the load line diamond, (see rule 10 (2)), by the appropriate factors given in the following table:

Length of ship	Factor for intermediate season	Factor for winter season
400 feet and under.....	.25	.50
450 feet.....	.25	.65
500 feet.....	.35	.80
550 feet and over.....	.45	1.00

Factors for intermediate lengths are obtained by interpolation.

73. (1) In the case of ships which load in salt water and proceed to fresh water, the minimum freeboard while in salt water for all seasons

shall be increased by an amount equal to  $\frac{\Delta}{41T}$  inches,

where  $\Delta$  = displacement in fresh water, in tons of 2,240 pounds at the summer load waterline

T = tons of 2,240 pounds per inch immersion in fresh water at the summer load waterline.

(2) Where the displacement at the summer load waterline cannot be certified, the increase in freeboard shall be  $\frac{1}{4}$  of an inch per foot of summer draught measured from the top of the keel.

Canada Shipping Act—continued

74. The basic minimum summer freeboards for steamships are as follows:

L	Freeboard	L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches	Feet	Inches
80	7.2	270	33.8	460	84.5
90	8.0	280	35.8	470	87.5
100	8.9	290	37.8	480	90.5
110	9.9	300	40.0	490	93.4
120	11.0	310	42.2	500	96.3
130	12.1	320	44.6	510	99.1
140	13.3	330	47.0	520	101.9
150	14.5	340	49.5	530	104.7
160	15.7	350	52.1	540	107.4
170	17.1	360	54.8	550	110.0
180	18.5	370	57.6	560	112.6
190	19.9	380	60.5	570	115.1
200	21.4	390	63.4	580	117.6
210	23.0	400	66.4	590	120.0
220	24.6	410	69.4	600	122.3
230	26.3	420	72.4	610	124.5
240	28.1	430	75.4	620	126.7
250	29.9	440	78.5	630	128.9
260	31.8	450	81.5	.....	.....

- (i) The minimum freeboard for flush deck steamships shall be obtained by an addition to the above table at the rate of 1½ inches for every 100 feet of length.
- (ii) The freeboards at intermediate lengths are obtained by interpolation.
- (iii) Where c exceeds .68, the freeboard shall be multiplied by the factor

$$\frac{c + .68}{1.36}$$

- (iv) Where in the case of a ship of less than 350 feet in length the

depth D is less than  $\frac{L}{15}$ , D is to be taken as  $\frac{L}{15}$ , and where

in the case of such ship the depth D exceeds  $\frac{L}{15}$  the freeboard is

to be increased by  $\left\{ D - \frac{L}{15} \right\}$  R inches, where R is equal to  $\frac{L}{130}$ .

Where in the case of a ship of 350 feet in length and above the

depth D exceeds or is less than  $\frac{L}{15}$  the freeboard is to be increased

or decreased accordingly by  $\left\{ D - \frac{L}{15} \right\}$  R inches where R is

equal to  $\frac{L}{130}$  at lengths less than 390 feet and 3 at lengths of 130

**Canada Shipping Act—continued**

390 feet and above, provided that in no case shall the minimum depth be taken as less than the minimum depth given in the following table:

L	Minimum depth	L	Minimum depth	L	Minimum depth
350	23·33	450	27·65	550	30·20
375	24·70	475	28·40	575	30·70
400	25·80	500	29·05	600	31·15
425	26·80	525	29·65	625	31·60

Minimum depths at intermediate lengths are obtained by interpolation.

In a ship with an enclosed superstructure covering at least  $\cdot 6L$  amidships, or with a complete trunk, or with a combination of intact partial superstructures and trunk which extends all fore

and aft, where  $D$  is less than  $\frac{L}{15}$ , the freeboard shall be reduced

at the above rate. Where the height of superstructures or trunk is less than the standard height, as determined in accordance with rule 46 the reduction shall be modified in the ratio which the actual height bears to the standard height.

- (v) Where the actual depth to the surface of the freeboard deck amidships is greater or less than  $D$ , the difference between these two depths (in inches) shall be added to or deducted from the freeboard as the case may be.

75. The freeboard for a wood steamship is the final freeboard the ship would obtain if constructed of iron or steel with the addition of such penalties as the Assigning Authority may determine, having regard to the construction, age and condition of the ship.

## PART VII

### *Freeboards for Tankers*

76. Tanker freeboards shall be assigned to a ship, being a tanker, if the ship complies with the conditions of assignment and also complies with this Part to the extent thereby required in the case of that ship.

### *Supplementary Conditions of Assignment*

77. The structure of the ship shall be of sufficient strength for the increased draught corresponding to the freeboard assigned.

78. The ship shall have a forecastle of which the length is not less than 7 per cent of the length of the ship and the height is not less than the standard height.

79. The openings in machinery casings on the freeboard deck shall be fitted with steel doors; the casings shall be protected by an enclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength; the bulkheads at the ends of these structures shall be of the scantlings required for bridge front bulkheads; all entrances to the structures from the freeboard deck shall be fitted with effective closing appliances and the sills shall be at least 18 inches above the deck; exposed



**Canada Shipping Act—continued**

machinery casings on the superstructure deck shall be of substantial construction, and all openings in them shall be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings shall be at least 15 inches above the deck; fiddley openings shall be as high above the superstructure deck as is reasonable and practicable, and shall have strong steel covers permanently attached in their proper positions.

80. An efficiently constructed permanent gangway of sufficient strength for its exposed position shall be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge and, when any of the crew are berthed forward, from the bridge to the forecastle, unless other equivalent means of access are provided to carry out the purpose of the gangway, such as passages below deck.

81. Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space and all other parts used in the necessary work of the ship, shall be available at all times; this rule does not apply to pump rooms, when suitable means of access are provided from the freeboard deck, and the access openings are fitted with Class 1 closing appliances.

82. All hatchways on the freeboard deck and on the deck of expansion trunks shall be closed watertight by efficient steel covers.

83. Ventilators to spaces below the freeboard deck shall be of ample strength or shall be protected by superstructures or by equally efficient means.

84. Ships with bulwarks shall have open rails fitted for at least half the length of the exposed portion of the weather deck or such other freeing arrangements as are in the opinion of the Assigning Authority effective for the purpose of freeing the decks of water; the upper edge of the sheerstrake shall be kept as low as practicable, and as a general rule shall not be higher than the upper edge of the gunwale bar; where superstructures are connected by trunks, open rails shall be fitted for the whole length of the weather portions of the freeboard deck.

*Computation of Freeboard*

85. Where the Assigning Authority is satisfied that the foregoing requirements are fulfilled, freeboards shall be computed in accordance with Part VI, subject to the provisions of rules 86 and 87, and to the substitution of the table set out in rule 88 for the table set out in rule 74; provided, however, that no addition shall be made under note (i) appended to the table in rule 74 in respect of a flush deck steamship.

86. In the case of a tanker having superstructures, when the total effective length of superstructure is less than 1.0L, the deduction shall be the percentage of the deduction for a superstructure of length 1.0L, obtained from the following table:

	Total effective length of superstructures										
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L
		Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
All types.....	0	7	14	21	31	41	52	63	75.3	87.7	100

**Canada Shipping Act—continued**

87. Where the sheer is greater than the standard, the correction for excess sheer as determined under rule 65 shall be deducted from the freeboard for all tankers; rule 67 does not apply except that the maximum deduction for excess sheer shall be  $1\frac{1}{2}$  inches at 100 feet length of ship and shall increase at the rate of  $1\frac{1}{2}$  inches for each additional 100 feet in the length of the ship.

88. (1) The freeboards for tankers are as follows:

L	Freeboard	L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches	Feet	Inches
80	6.4	210	21.3	340	44.3
90	7.2	220	22.8	350	46.4
100	8.1	230	24.3	360	48.5
110	9.1	240	25.9	370	50.6
120	10.1	250	27.5	380	52.7
130	11.1	260	29.2	390	54.9
140	12.2	270	30.9	400	57.1
150	13.3	280	32.7	410	59.4
160	14.5	290	34.5	420	61.7
170	15.8	300	36.4	430	64.1
180	17.1	310	38.3	440	66.5
190	18.5	320	40.2	450	69.0
200	19.9	330	42.2	460	71.5

(2) The freeboard for tankers above 460 feet in length shall be specially considered and the assigned freeboards are to be approved by the Board before a certificate is issued.

**PART VIII**

*Freeboards for Sailing Ships*

89. Freeboards for sailing ships shall, subject to the provisions of rule 37 and rules 90 to 96, be computed from the freeboard table for sailing ships contained in rule 95 in the same manner as the freeboards for steamships are computed from the freeboard table for steamships contained in rule 74.

90. (1) The depth (D) to be used in computing the freeboards for sailing ships shall be obtained in the same manner as given in rule 42 provided that in sailing ships having a greater rate of rise of floor than  $1\frac{1}{2}$  inches per foot, the vertical distance from the top of keel referred to in rule 41 shall be reduced by half the difference between the total rise of floor at the half-breadth of the ship and the total rise at  $1\frac{1}{2}$  inches per foot;  $2\frac{1}{2}$  inches per foot of half-breadth is the maximum rate of rise for which a deduction may be made.

(2) Where the form at the lower part of the midship section is of a hollow character or thick garboards are fitted, the depth shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(3) The depth used with the freeboard table shall be taken as not less than —.

L  
12

91. The coefficient of fineness (c) used with the freeboard table contained in rule 95 shall be taken as not less than .62 and not greater than .72.

**Canada Shipping Act—continued**

92. In wood ships the Assigning Authority shall be satisfied as to the efficiency of the construction and closing arrangements of superstructures for which deductions are made from the freeboard.

93. Where the effective length of superstructures is  $1.0L$ , the deduction from the freeboard shall be 3 inches at 80 feet length of ship, and 18 inches at 230 feet length; deductions at intermediate lengths shall be obtained by interpolation; where the total effective length of superstructure is less than  $1.0L$ , the deduction shall be a percentage obtained from the following table:

Type of superstructures	Total effective length of superstructure (E)											Line
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	
All types without bridge.....	0	7	13	17	23.5	30	47.5	70	80	90	100	A
*All types with bridge.....	0	7	14.7	22	32	42	56	70	80	90	100	B

\*Where the effective length of bridge is less than  $.2L$ , the percentages are obtained by interpolation between lines B and A.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

94. No addition to the freeboard shall be required for the intermediate season, but an increase of 2 inches shall be required for the winter season.

95. Minimum freeboards for summer and intermediate seasons for iron or steel flush deck sailing ships are as follows:

L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches
80	8.4	160	23.0
90	9.9	170	25.2
100	11.4	180	27.5
110	13.0	190	29.7
120	14.8	200	32.0
130	16.7	210	34.3
140	18.7	220	36.5
150	20.8	230	38.8

(i) The minimum freeboards at intermediate lengths are obtained by interpolation.

(ii) Where  $c$  exceeds  $.62$ , the freeboard shall be multiplied by the factor

$$\frac{c + .62}{1.24}$$

(iii) Where  $D$  exceeds  $\frac{L}{12}$  the freeboard shall be increased by

$$\left\{ D - \frac{L}{12} \right\} \times \left\{ 1 + \frac{L}{250} \right\} \text{ inches}$$

(iv) Where the actual depth to the surface of the freeboard deck amidships is greater or less than  $D$ , the difference between these two depths (in inches) shall be added to or deducted from the freeboard, as the case may be.

**Canada Shipping Act—continued**

- (v) The freeboards for sailing ships above 230 feet in length shall be specially considered, and the assigned freeboards are to be approved by the Board before a certificate is issued.

96. The freeboard for a wood sailing ship is the final freeboard the ship would obtain if constructed of iron or steel with the addition of such penalties as the Assigning Authority may determine, having regard to the classification, construction, age and condition of the ship.

## PART IX

*Special Ships*

97. Sandsuckers, open hopper barges, and other ships of special design which cannot be assigned load lines by the direct application of these rules shall be assigned load lines based on the individual consideration of each ship, and no such ship shall be marked and no load line certificate shall be issued until the approval of the Board as to the freeboard to be allowed such ship is obtained.

## PART X

*Application of Load Line Marks*

98. (1) The maximum depth to which cargo steamships including tankers, non-propelled cargo ships of shipshape form, and non-propelled tankers of shipshape form may be loaded in fresh water during the mid-summer season, which is the period from the sixteenth day of May to the fifteenth day of September in any year, is the depth indicated by the mid-summer load line.

(2) Subject to the provisions of subsection (1), the maximum depth to which a steamship may be loaded in fresh water during the summer season, which is the period from the first day of May to the thirtieth day of September in any year, is the depth indicated by the summer load line.

(3) The maximum depth to which a steamship may be loaded in fresh water during the intermediate seasons, which are the periods from the sixteenth day of April to the thirtieth day of April and from the first day of October to the thirty-first day of October, in any year is the depth indicated by the intermediate load line.

(4) The maximum depth to which a steamship may be loaded in fresh water during the winter season which is the period from the first day of November in any year to the fifteenth day of April in the next year, is the depth indicated by the winter load line.

(5) The maximum depth to which a sailing ship may be loaded in fresh water during the summer and intermediate seasons, as in this rule defined, is the depth indicated by the summer load line.

(6) The maximum depth to which a sailing ship may be loaded in fresh water during the winter season, as in this rule defined, is the depth indicated by the winter load line.

(7) The maximum depth to which a steamship may be loaded during any season when in salt water and proceeding to fresh water, is the depth indicated by the appropriate seasonal mark, corrected as provided in rule 73.



Canada Shipping Act—continued

99. Ships that are marked with load lines in accordance with rules made under the provisions of section 430 of the Act and which have valid load line certificates may, when employed in making voyages on fresh water lakes or rivers, use those load line marks in place of the load line marks prescribed in these rules and where those load line marks are so used with respect to steamships the letters “TF”, “T”, “S”, and “W”, used to indicate such marks, shall have the same meaning as provided in rule 10 for the letters, “MS”, “S”, “I” and “W” respectively, provided that in the case of the load line certificate, form L.L. 3, a “TF” mark shall be added and shall be used in lieu of the “MS” mark, and where such load line marks are so used with respect to sailing ships the letter “F” and the centre of the disc used to indicate such marks shall mean the summer load line and the winter load line respectively; provided that in each case when loading in salt water and proceeding to fresh water the seasonal freeboards shall be increased by the amount of the fresh water allowance stated in the load line certificate.

PART XI

Exemptions

100. Where, in the opinion of the Assigning Authority, it would be unreasonable or impracticable to require that a ship, the keel of which was laid before the 1st day of July, 1936, should comply with all the provisions of these rules, the Assigning Authority may exempt that ship from such of the provisions as appear to be unreasonable or impracticable; provided that the freeboard which would be assigned if the ship fully complied with all the provisions of these rules is increased to such extent as the Assigning Authority, with the approval of the Board, considers sufficient to compensate for non-compliance with the provisions of these rules.

Schedule A

SCHEDULE OF FEES

Gross Tonnage	Classed Ships			Unclassed Ships		
	1	2	3	4	5	6
	Issue of certificate	Renewal of certificate	Annual survey	Issue of certificate	Renewal of certificate	Annual survey
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Under 500 tons.....	45 00	20 00	20 00	110 00	110 00	20 00
500 tons and under 1,000 tons	70 00	20 00	20 00	150 00	150 00	20 00
1,000 “ “ 2,000 “	90 00	30 00	30 00	220 00	220 00	30 00
2,000 “ “ 3,000 “	115 00	35 00	35 00	280 00	280 00	35 00
3,000 “ “ 4,000 “	125 00	40 00	40 00	310 00	310 00	40 00
4,000 “ “ 5,000 “	135 00	40 00	40 00	340 00	340 00	40 00
5,000 “ “ 6,000 “	145 00	40 00	40 00	370 00	370 00	40 00
6,000 “ “ 7,000 “	155 00	40 00	40 00	400 00	400 00	40 00
7,000 “ “ 8,000 “	165 00	40 00	40 00	430 00	430 00	40 00
8,000 “ “ 9,000 “	175 00	40 00	40 00	460 00	460 00	40 00
9,000 “ “ 10,000 “	185 00	40 00	40 00	490 00	490 00	40 00
10,000 tons and over.....	185 00	40 00	40 00	490 00	490 00	40 00
				plus \$30.00 for each additional 1,000 tons	plus \$30.00 for each additional 1,000 tons	

**Canada Shipping Act—continued**

For barges, scows and other such vessels towed, that are not subject to inspection under section 391 of the Canada Shipping Act, fees are as follows:

Gross Tonnage	Issue of Certificate	Renewal of Certificate	Annual Survey
	\$ cts.	\$ cts.	\$ cts.
Under 500 tons.....	60 00	30 00	20 00
500 and under 1,000 tons.....	85 00	40 00	20 00
1,000 and under 1,500 tons.....	100 00	60 00	20 00
1,500 and under 2,000 tons.....	110 00	75 00	30 00
2,000 tons and over.....	\$110.00 plus \$10.00 for each 500 tons or part thereof in excess of 2,000 tons	\$75.00 plus \$10.00 for each 500 tons or part thereof in excess of 2,000 tons	40 00

*Application of Fees*

1. In the case of the survey of an unclassed steamship for the issue or renewal of a load line certificate, half the fee set out in column 4 will be charged if the survey be carried out concurrently with the annual inspection required under the provisions of section 391 of the Act.

2. When the annual load line survey of a steamship is made at the same time as the annual inspection required under the provisions of section 391 of the Act no fee will be charged under column 3 or column 6.

3. Where minor alterations have been made to a ship having a load line certificate in force, which involve an alteration of the freeboard, but do not require a full survey, the fee in column 2 will be charged.

NOTE: Copies of Local Load Line Certificates contained in Schedule B may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.

**41. Rules of the Road for the Great Lakes**

P.C. 1954-1927

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 645 of the Canada Shipping Act, is pleased to order as follows:

1. The Rules of the Road for the Great Lakes, established by Order in Council P.C. 5273 of 18th October, 1949, are hereby revoked; and

2. The annexed "Rules of the Road for the Great Lakes" are hereby made and established in substitution for the Rules hereby revoked.

**Canada Shipping Act—continued**

## RULES OF THE ROAD FOR THE GREAT LAKES

*Definitions*

1. In these rules,

- (a) "motor boat" includes every vessel propelled by machinery and not more than sixty-five feet in length except vessels towing, the length to be measured from end to end over the deck, excluding sheer;
- (b) "pilot" includes the master, officer or other person in charge of the navigation of a vessel;
- (c) "prescribed" means prescribed by these Rules;
- (d) "steam vessel" includes any vessel propelled by machinery, whether under sail or not;
- (e) "sailing vessel" includes every steam vessel that is under sail and is not being propelled by machinery;
- (f) "under way"—a vessel is under way when she is not at anchor, made fast to the shore, or aground; and
- (g) "visible" when applied to lights means visible on a dark night with a clear atmosphere.

*Application*

2. (1) These rules apply on Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan and Superior, their connecting and tributary waters, and the Ottawa and St. Lawrence Rivers and their tributaries as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal.

(2) The rules concerning lights apply in all weathers from sunset to sunrise, and during such time no other lights that could be mistaken for the prescribed lights or impair their visibility shall be exhibited.

*Steam Vessels*

3. (1) Except in the cases hereinafter expressly provided for, a steam vessel when under way shall carry,

- (a) on or in front of the foremast, or if a vessel without a foremast, then in the fore part of a vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles; such light shall be at a greater height above the water than the side lights required by paragraphs (b) and (c);
- (b) on the starboard side, a green light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side and of such a character as to be visible at a distance of at least two miles; and
- (c) on the port side, a red light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

**Canada Shipping Act—continued**

(2) The green and red lights required by paragraphs (b) and (c) of subsection (1) shall each be fitted with an inboard screen projecting at least three feet forward from the light, so as to prevent the light from being seen across the bow.

(3) A steam vessel of over one hundred feet register length when under way shall carry, in addition to the lights prescribed by subsection (1), a bright white light so fixed as to throw the light all around the horizon, and of such a character as to be visible at a distance of at least three miles, such lights to be placed in line with the keel at least fifteen feet higher than, and more than fifty feet abaft, the light required by paragraph (a) of subsection (1); or in lieu thereof two such lights of the same character and height as herein described placed not over thirty inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach.

(4) A steam vessel not more than one hundred feet in length when under way shall carry, in addition to the lights prescribed by subsection (1), a bright white light aft to show all around the horizon; such light shall be placed in line with the keel higher than the light required by paragraph (a) of subsection (1).

*Vessels towing, other than those towing rafts*

4. A steam vessel having a tow other than a raft, shall in addition to the lights prescribed for vessels of her length by rule 3, carry forward a second bright white light; such light shall be of the same construction and character and fixed in the same manner as the light prescribed by rule 3 (1) (a) and shall be carried in a position not less than six feet vertically above or below that light; such steam vessel shall also carry a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

*Vessels Towing Rafts*

5. A steam vessel having a raft in tow shall, instead of the forward lights mentioned in rule 4, carry on or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, two white lights in a horizontal line athwartships and not less than eight feet apart, each so fixed as to throw the light all around the horizon and of such a character as to be visible at a distance of at least five miles; such steam vessel shall also carry the small white steering light aft, of the character and fixed as required by rule 4, and shall also comply with the requirements of rule 3 respecting side lights, screens and range lights.

*Tugboats*

6. (1) A tugboat under one hundred tons register (net) whose principal business is harbour towing, shall carry the red and green side lights carried by other steam vessels; and at the foremast head or, if the tugboat has no foremast, then on top of the pilot house, a white light so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least three miles; and when towing, except when towing a raft, shall



**Canada Shipping Act—continued**

carry an additional white light of the same character and construction as the headlight and carried not less than three feet vertically above or below the headlight.

(2) When towing a raft, two headlights shall be carried in a horizontal line athwartships not less than four feet apart, each so fixed as to throw the light all around the horizon, and of such a character as to be visible at a distance of at least three miles; such headlights shall be in lieu of the headlights prescribed by subsection (1).

*Ferryboats*

7. (1) Every double-end ferryboat propelled by machinery, except a cable ferry, shall carry the green and red side lights required for other vessels, and in lieu of the white lights shall carry two bright white lights as a central range, one at or near each end of the vessel; the white lights shall be placed at equal heights above the hull, in the centre line of the vessel, and so constructed as to be visible at a distance of at least three miles all around the horizon; the green and red side lights shall be of such a character as to be visible at a distance of at least two miles, and shall be fitted with inboard screens projecting at least three feet forward from the lights, to prevent them from being seen across the bow.

(2) Other ferryboats propelled by machinery, except cable ferries, shall carry the lights prescribed for steam vessels of their length

*Open Boats*

8. (1) An open boat is not obliged to carry the side lights required for other vessels but shall, if she does not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision and in such manner that the green light shall not be seen on the port side nor the red light on the starboard side; an open boat, when at anchor or stationary, shall exhibit a bright white light; she shall not, however, be prevented from using a flare-up light in addition when considered expedient.

(2) A rowing boat or a canoe, whether having a sail or not, shall show a white light in sufficient time to prevent collision.

*Motor Boats*

9. (1) Motor boats as defined in these rules are classified as follows:

Class A: less than sixteen feet in length;

Class 1: sixteen feet or over and less than twenty-six feet in length;

Class 2: twenty-six feet or over and less than forty feet in length; and

Class 3: forty feet or over and not more than sixty-five feet in length.

(2) Such motor boats are not obliged to carry the lights prescribed by rule 3, but if they do not carry them they shall be provided with the following lights:

(a) A motorboat of Class A or Class 1 shall carry

(i) a bright white light aft to show all around the horizon;

(ii) a combined lantern in the fore part of the vessel and lower than the white light aft so constructed and fixed as to show a green light from right ahead to two points abaft the beam on the starboard side and a red light from right ahead to two points abaft the beam on the port side.

**Canada Shipping Act—continued**

- (b) A motorboat of Class 2 or Class 3 shall carry
  - (i) a bright white light in the fore part of the vessel, as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on either side;
  - (ii) a bright white light aft to show all around the horizon, placed higher than the white light forward; and
  - (iii) on the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side; the sidelights shall be fitted with inboard screens of sufficient height and length and so placed as to prevent the lights from being seen across the bow.

(3) Every white light prescribed by this rule shall be of such a character as to be visible at a distance of at least two miles; every coloured light prescribed by this rule shall be of such a character as to be visible at a distance of at least one mile.

*Sailing Vessels and Vessels Being Towed*

10. (1) A sailing vessel under way and any vessel being towed shall carry the side lights prescribed by rule 3.

(2) A vessel being towed shall also carry a small white light aft, but such light shall not be visible forward of the beam.

(3) A sailing vessel shall, on the approach of another vessel, show temporarily a white light in the direction of the approaching vessel.

*Small Vessels*

11. (1) Whenever, as in the case of small vessels under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand lighted and ready for use and shall, on the approach of or to other vessels, be exhibited in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side nor, if practicable, more than two points abaft the beam on their respective sides.

(2) The lanterns containing the lights prescribed by subsection (1) shall each be painted on the outside with the colour of the light they respectively contain, and shall be provided with proper screens.

*Canal Boats in Tow of Steam Vessels*

12. (1) Canal boats when in tow of steam vessels shall carry lights as follows:

- (a) When towed astern of steam vessels and towed singly or tandem they shall each carry a green light on the starboard side, a red light on the port side, and a small bright white light aft;

**Canada Shipping Act—continued**

- (b) When towed astern in one or more tiers, two or more abreast, the boat on the starboard side of each tier shall carry a green light on her starboard side and the boat on the port side of each tier shall carry a red light on her port side, and each of the outside boats in the last tier also shall carry a small bright white light aft;
- (c) When towed alongside and on the starboard side of a steam vessel, the boat towed shall carry a green light on the starboard side; and when towed on the port side of a steam vessel, the boat towed shall carry a red light on the port side;
- (d) When towed alongside a steam vessel, one boat on the starboard side and the other on the port side, the starboard boat shall carry a green light on the starboard side and the port boat shall carry a red light on the port side;
- (e) When a tow of one or more boats is being pushed ahead of a steam vessel such tow shall carry a green light on the starboard side and a red light on the port side so placed that they mark the tow at its maximum projection to starboard and port respectively, and may carry an amber light at the extreme forward end of the tow as near the centre line as it is practicable to carry such light; such amber light shall be so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least three miles.

(2) The coloured side lights shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides, and of such a character as to be visible at a distance of at least two miles; the minimum size of glass globes shall be six inches in diameter and five inches high in the clear; the said coloured sidelights shall be fitted with inboard screens so as to prevent them from being seen across the bow.

(3) The small bright white light aft required to be carried on a canal boat in tow shall not be visible forward of the beam.

(4) For the purposes of this rule, the term "canal boat" includes barges, scows and other nondescript craft.

*Vessels not under command*

13. (1) A vessel over sixty-five feet in length that is not under command shall carry where they can best be seen and, if a steam vessel, in lieu of the white light required by rule 3 (1) (a), two red lights in a vertical line one over the other not less than three feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; such vessel, when not making way through the water, shall not carry the side lights required by rule 3 (1) (b) and (c), but when making way shall carry them.

(2) By day such vessel shall carry in a vertical line one over the other not less than three feet apart, where they can best be seen, two black balls, each two feet in diameter.



**Canada Shipping Act—continued**

*Vessels at anchor*

14. (1) A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light constructed so as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least one mile.

(2) A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than twenty and not exceeding forty feet above the hull, and not less than ten feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both shall show a clear, uniform and unbroken light and be visible from any angle of approach at a distance of at least one mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such height that they shall be not less than fifteen feet lower than the forward lights; in addition to the four anchor lights above specified, at least one white decklight shall be displayed in every interval of one hundred feet along the deck measuring from the forward lights, such decklights to be not less than two feet above the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach.

(3) Between sunrise and sunset every vessel over sixty-five feet in length, when at anchor, shall carry forward, where it can best be seen, one black ball not less than two feet in diameter.

(4) A vessel over sixty-five feet in length, which is aground, shall carry by night the white light or lights prescribed for a vessel at anchor and, in addition, shall carry, where they can best be seen by approaching vessels, two red lights in a vertical line one over the other, not less than three feet apart, visible all around the horizon at a distance of at least two miles; by day such vessel shall carry in a vertical line one over the other not less than three feet apart, where they can best be seen, three black balls each two feet in diameter.

*Certain Naval or Military Vessels and Vessels not otherwise provided for*

15. (1) Whenever it shall be determined to the satisfaction of the Minister of Transport that a naval or other military vessel of special construction or purpose cannot comply fully with the provisions of any of these rules with respect to number, position, range or arc of visibility of lights or shapes, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as shall have been determined by the Minister to be the closest possible compliance with these rules in respect to that vessel; provided that notice of such noncompliance with the rules together with the character and positions of lights or shapes to be displayed on such vessel, shall be published by "Notice to Mariners".

(2) Every vessel not otherwise provided for in these rules, when under way, or at anchor, shall carry a white light forward; such light shall be carried at least eight feet above the surface of the water, in a lantern so fixed and constructed as to show a clear, uniform and unbroken light all around the horizon, and of such a character as to be visible at a distance of at least one mile.



**Canada Shipping Act**—*continued**Rafts*

16. (1) Rafts when under way, at anchor or moored shall carry lights as follows:

- (a) a raft of one crib and not more than two in length shall carry one white light; a raft of three or more cribs in length and one crib in width shall carry one white light at each end of the raft; a raft of more than one crib abreast shall carry one white light on each outside corner of the raft, making four lights in all;
- (b) a bag or boom raft shall carry a bright white light at each end of the raft, and one of such lights on each side midway between the forward and after ends.

(2) The white lights required by these rules for rafts shall be carried in lanterns so fixed and constructed as to show clear, uniform and unbroken lights visible all around the horizon, and of such a character as to be visible at a distance of at least one mile; such lights shall be carried at a height of not less than eight feet above the surface of the water.

*Use of searchlights*

17. No person shall direct the rays of a searchlight or other blinding light on the pilot house or navigating bridge of any vessel under way.

*Fog Signals*

18. (1) A steam vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, placed before the funnel not less than eight feet from the deck, or in such other place where the sound will not be intercepted by any obstruction, and of such a character as to be heard in ordinary weather at a distance of at least two miles, and with an efficient bell; a sailing vessel shall be provided with an efficient fog horn and with an efficient bell.

(2) In fog, mist, falling snow or heavy rainstorms, or when visibility is low from any other cause, whether by day or by night, fog signals shall be used as follows:

- (a) a steam vessel under way, excepting only a steam vessel with a raft in tow, shall sound at intervals of not more than one minute three distinct blasts of its whistle;
- (b) every vessel in tow of another vessel shall, at intervals of not more than one minute, sound four strokes on a good and efficient and properly placed bell, by striking the bell twice in quick succession, followed by a little longer interval, and then again striking twice in quick succession (as in striking "four bells" to indicate time);
- (c) a steam vessel with a raft in tow shall sound at intervals of not more than one minute a screeching or Modoc whistle for from three to five seconds;
- (d) a sailing vessel when under way and not in tow shall sound on the foghorn, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, when with the wind abaft the beam three blasts in succession;

**Canada Shipping Act—continued**

- (e) a vessel at anchor and a vessel aground in or near a channel or fairway shall at intervals of not more than two minutes ring the bell rapidly for from three to five seconds and, in addition, at intervals of not more than three minutes shall sound on the whistle or horn a signal of one short blast, two long blasts, and one short blast in quick succession;
- (f) a vessel of less than ten tons register tonnage, not being a steam vessel, shall not be obliged to give the signals prescribed by paragraphs (a) to (e), but if she does not she shall make some other efficient sound signal at intervals of not more than one minute;
- (g) any vessel or raft not otherwise provided for in this rule, when under way, anchored or moored, and not in port, shall make an efficient sound signal at intervals of not more than one minute.

*Speed of ships in fog*

19. In fog, mist, falling snow or heavy rainstorms, or when visibility is low from any other cause, every vessel shall go at a moderate speed; a steam vessel hearing, apparently not more than four points from right ahead, the fog signal of another vessel shall at once reduce her speed to bare steerageway, and thereafter navigate with caution until the vessels shall have passed each other.

STEERING AND SAILING RULES

20. Risk of collision can, when circumstances permit, be ascertained by carefully watching the bearing of an approaching vessel; when the bearing does not appreciably change, risk of collision should be deemed to exist.

*Sailing Vessels*

21. When two sailing vessels are approaching one another so as to involve risk of collision one of them shall keep out of the way of the other, as follows:

- (a) a vessel that is running free shall keep out of the way of a vessel that is closehauled;
- (b) a vessel that is closehauled on the port tack shall keep out of the way of a vessel that is closehauled on the starboard tack;
- (c) when both vessels are running free, with the wind on different sides, the vessel that has the wind on the port side shall keep out of the way of the other;
- (d) when both vessels are running free, with the wind on the same side, the vessel that is to windward shall keep out of the way of the vessel that is to leeward.

*Steam Vessels Meeting End On*

22. (1) When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each shall pass on the port side of the other.

(2) When steam vessels are meeting end on, or nearly end on, each steam vessel shall pass on the port side of the other; and the pilot of either steam vessel may be first in determining to pursue this course, and thereupon shall give, as a signal of this intention, one distinct blast of his whistle, which the pilot of the other steam vessel shall answer promptly

**Canada Shipping Act**—*continued*

by a similar blast of his whistle and thereupon such steam vessels shall pass on the port side of each other; but if the courses of such steam vessels are so far on the starboard of each other as not to be considered by their pilots as meeting end on, or nearly end on, the pilot so first deciding shall immediately give two distinct blasts of his whistle, which the pilot of the other steam vessel shall answer promptly by two similar blasts of his whistle, and they shall pass on the starboard side of each other.

*Meeting in Rivers and Channels where there is a current*

23. In all narrow channels where there is a current, and in the rivers Saint Mary, St. Clair, Detroit, Niagara, St. Lawrence and Ottawa, when two steam vessels are meeting, the descending steam vessel shall have the right of way, and shall before the vessels shall have arrived within the distance of one-half mile of each other, give the signal necessary to indicate the side on which she intends to pass.

*Steam Vessels Crossing*

24. (1) When two steam vessels are crossing so as to involve risk of collision the vessel that has the other on her own starboard side shall keep out of the way of the other.

(2) When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel that has the other on her own port side shall hold her course and speed; and the steam vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel or, if necessary to do so, slacken her speed or stop or reverse; the steam vessel having the other on her own port side shall blow one distinct blast of her whistle as a signal of her intention to cross the bow of the other, holding her course and speed, which signal shall be promptly answered by the other steam vessel by one distinct blast of her whistle as a signal of her intention to direct her course to starboard so as to cross the stern of the other steam vessel or otherwise keep clear.

(3) If from any cause whatever conditions are such as to prevent immediate compliance by the vessels with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both vessels shall be stopped, and reversed if necessary, until signals for passing with safety are made and understood.

*Steam and Sailing Vessels Approaching Each Other*

25. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of a collision the steam vessel shall keep out of the way of the sailing vessel.

*Right of Way*

26. Where, by any of these rules one of two vessels is required to keep out of the way, the other shall keep her course and speed.

*Duty to slacken speed or stop*

27. Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching such vessel, if necessary, slacken her speed or stop or reverse.



**Canada Shipping Act—continued**

*Overtaking Vessels*

28. (1) Notwithstanding anything contained in these rules every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(2) When one steam vessel is overtaking another and the steam vessel astern shall desire to pass on the right or starboard side of the steam vessel ahead, she shall give one distinct blast of the whistle as a signal of such desire and, if the vessel ahead answers with one blast, she shall direct her course to starboard; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two distinct blasts of the whistle as a signal of such desire and, if the vessel ahead answers with two blasts, she shall direct her course to port; or if the vessel ahead does not think it safe for the vessel astern to pass at that time, she shall immediately signify the same by giving the danger signal of several short and rapid blasts of the whistle, not less than five; the steam vessel astern shall then hold back and, after an appropriate interval, if she still desires to pass, make the proper signal so indicating; but under no circumstances shall the steam vessel astern attempt to pass the steam vessel ahead until such time as they have reached a point where it can be safely done, and the steam vessel ahead shall signify her willingness by blowing the proper answering signal; the steam vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the other steam vessel.

(3) Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until the overtaken vessel is finally passed and cleared.

(4) As the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, when in doubt, assume that she is an overtaking vessel and keep out of the way.

*Narrow Channels*

29. (1) In all channels less than five hundred feet in width, no steam vessel shall pass another going in the same direction unless the steam vessel ahead be disabled or signify her willingness that the steam vessel astern shall pass; the steam vessel astern may then pass, subject, however, to the other rules applicable to such a situation.

(2) When steam vessels proceeding in opposite directions are about to meet in a channel less than five hundred feet in width, such steam vessels shall be slowed to a moderate speed, according to the circumstances.

*Signals indicating course*

30. (1) In all weathers every steam vessel under way, in taking any course authorized or required by these rules, shall indicate that course by a signal on her whistle, to be accompanied, whenever required, by a corresponding alteration of her course; and every steam vessel receiving a signal from another shall promptly respond with the same signal or sound the danger signal as provided in rule 31.



**Canada Shipping Act—continued**

- (2) Except as otherwise provided in these rules,  
(a) one blast shall mean "I am directing my course to starboard"; and  
(b) two blasts shall mean "I am directing my course to port".

(3) These signals shall be used, not only when an alteration of course is required, but at all times before vessels approach within half a mile of each other, from whatever direction, if their courses will bring them within that distance from each other.

*Danger Signal*

31. If, when steam vessels are approaching each other, the pilot of either vessel fails to understand the course or intention of the other, whether from signals being given or answered erroneously, or from other causes, the pilot so in doubt shall immediately signify the same by giving the danger signal of several short and rapid blasts of the whistle, not less than five, and if both vessels shall have approached within half a mile of each other, both shall be immediately slowed to a speed barely sufficient for steerageway and, when necessary, stopped and reversed, until the proper signals are given, answered and understood, or until the vessels shall have passed each other.

*Cross Signals Prohibited*

32. Pilots shall in no circumstances use "cross signals", that is, answering one blast of the whistle with two, or two blasts with one; whenever a pilot receives either of the whistle signals provided in rule 30 (2) and he deems it imprudent to comply with that signal, he shall immediately give the danger signal and observe the rule applying thereto (rule 31).

*Approaching a short bend or curve in channel*

33. Whenever a steam vessel is nearing a short bend or curve in the channel where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steam vessel, when he has arrived within half a mile of such bend or curve, shall give a blast of the whistle of at least eight seconds duration, which shall be answered by a similar blast given by the pilot of any approaching steam vessel within hearing on the other side and within half a mile of such bend or curve; should such a signal be so answered by a steam vessel upon the farther side of the bend or curve, then the usual signals for meeting and passing shall immediately be given and answered.

*Leaving a Dock or Berth*

34. When a steam vessel is leaving a dock or berth she shall give one blast of the whistle of at least eight seconds duration, which shall be answered by a similar blast given by any approaching steam vessel; both vessels shall be governed by rule 35 until the course of the vessel leaving the dock or berth becomes apparent, after which time the applicable steering and sailing rules shall be observed.

*Special Circumstances*

35. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from them necessary in order to avoid immediate danger.

**Canada Shipping Act—continued**

*Neglect of Rules or Other Precautions*

36. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

*Unnecessary Sounding of Whistle*

37. No person shall authorize or permit unnecessary sounding of the whistle.

*Distress Signals*

38. When a vessel is in distress and requires assistance from other vessels or from the shore, the signals to be used or displayed, either together or separately, are as follows:

(a) In the daytime:

- (i) a gun or other explosive signal fired at intervals of about a minute;
- (ii) the distant signal, consisting of a square flag, having either above or below it a ball or some object resembling a ball;
- (iii) continuous sounding with any fog-signal apparatus.

(b) At night:

- (i) a gun or other explosive signal fired at intervals of about a minute;
- (ii) flames from the vessel (as from burning of a tarbarrel or oilbarrel);
- (iii) rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals;
- (iv) a continuous sounding with any fog-signal apparatus.

*Bell and Whistle Signals Between Bridge  
and Engine Room*

39. When signals between bridge and engine room are made by bell or whistle they shall be given as follows:

1 stroke or 1 blast (when engines are stopped) .....	Go Ahead
1 stroke or 1 blast (when engines are turning) .....	Stop
2 strokes or 2 blasts .....	Go Astern
3 strokes or 3 blasts .....	Slow
4 strokes or 4 blasts .....	Full Speed
2 strokes or 2 blasts shall always mean "Go astern", irrespective of other signals previously given.	

**Supplement**

DIAGRAMS

The following diagrams are intended to illustrate the steering and sailing rules:

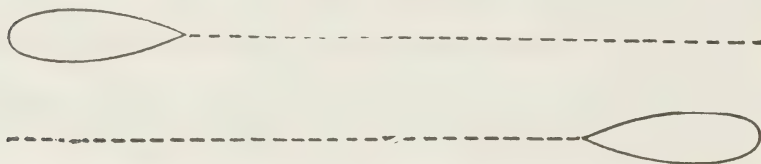
*First Situation*



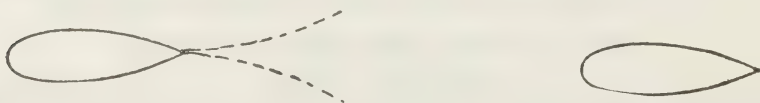
Here the two coloured lights visible to each will indicate their direct approach end on to each other. In this situation it is a standing rule that both shall direct their courses to starboard and pass on the port side of each other, each having previously given one distinct blast of the whistle.

**Canada Shipping Act**—*continued**Second Situation*

In this situation the red light only will be visible to each, the screens preventing the green lights from being seen. Both vessels are evidently passing to port of each other, which is permissible in this situation, each pilot having previously signified his intention by one distinct blast of the whistle.

*Third Situation*

In this situation the green light only will be visible to each, the screens preventing the red light from being seen. They are therefore passing to starboard of each other, which is permissible in this situation, each pilot having previously signified his intention by two distinct blasts of the whistle.

*Fourth Situation*

In this situation one steam vessel is overtaking another steam vessel from some point more than two points abaft the beam of the overtaken steam vessel. The overtaking steam vessel may pass on the starboard or port side of the steam vessel ahead after the necessary signals for passing have been given, with assent of the overtaken steam vessel, as prescribed in rule 28.

*Fifth Situation*

In this situation two steam vessels are approaching each other at right angles or obliquely in such manner as to involve risk of collision, other than where one steam vessel is overtaking another.

**Canada Shipping Act—continued**

The steam vessel which has the other on her own port side shall hold her course and speed, and the other shall keep clear by crossing astern of the steam vessel that is holding course and speed; or, if necessary to do so, shall slacken her speed or stop or reverse. Both steam vessels shall otherwise observe the provisions of rules 30 and 31 with respect to the signals for passing and the danger signal.

**42. Fees for the survey and measurement of tonnage of ships**

P.C. 1954-1928

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 104 of the Canada Shipping Act, is pleased to order as follows:

1. The Schedule of fees for the measurement of vessels for registry, established by Order in Council P.C. 1961 of 20th April, 1951, is hereby revoked; and

2. The annexed "Schedule of Fees for the Survey and Measurement of Tonnage of Ships" is hereby made and established in substitution for the Schedule hereby revoked.

**SCHEDULE OF FEES**

**FOR THE SURVEY AND MEASUREMENT OF TONNAGE OF SHIPS**

1. The fees payable for the survey and measurement of the tonnage of ships are as set forth in columns A and B hereunder.

Gross tonnage of ship	(A) Measurement under Rule I or remeasurement of under-deck tonnage	(B) Measurement under Rule II	(C) Remeasurement after various alterations (section 3)
	\$ cts.	\$ cts.	\$ cts.
25 tons and under.....	5 00	2 50	2 00
Over 25 tons and not over 50 tons.....	10 00	2 50	2 00
Over 50 tons and not over 100 tons.....	15 00	5 00	4 00
For each additional 100 tons or part of 100 tons over 100 tons up to 20,000 tons.....	2 00	1 00	0 50
For each additional 100 tons or part of 100 tons over 20,000 tons.....	1 00	0 50	0 50

*Minor Alterations*

2. The fee payable for the inspection of minor alterations to a ship, as for example to the rig, engines or other similar items is \$5.00.



**Canada Shipping Act—continued***Remeasurement after Alterations*

3. The fees payable for remeasurement consequent to
  - (a) alterations to erections on or above the upper deck,
  - (b) alterations to engine room,
  - (c) alterations in the space referred to in subsection (2) of section 95 of the Canada Shipping Act, or
  - (d) alterations in any of the spaces referred to in subsection (1) of section 96 of the Canada Shipping Act,

are as set forth in column C of the table in section 1; where the remeasurement involves more than one of such categories of alterations, such fees are payable in respect of each of the categories involved, but in any case the maximum fee for each category is \$25.00.

*Copies of Calculations*

4. Where a copy of tonnage calculations is supplied to the owner of a ship the fee payable by the owner is \$10.00 plus \$2.00 for every sheet over five.

*Suez and Panama Canal Tonnage Certificates*

5. (1) The fees for the issue of Suez Canal Special Tonnage Certificates or Panama Canal Special Tonnage Certificates are two-fifths of the fee set forth in column A of section 1, whether or not the measurement is made at the same time as the measurement of tonnage for registry; the same fees are payable for the issue of further certificates consequent upon alterations; when the measurements for a Suez Canal Certificate and for a Panama Canal Certificate are made at the same time the fees for the issue of the two certificates are three-fifths of the fees set forth in column A of section 1; either of these fees covers the remeasurement of the ship for British tonnage (except under-deck) when made at the same time, but in no case shall the fee be less than the appropriate remeasurement fee set forth in column C of the table in section 1.

(2) In any case where the issue of a Suez Canal Certificate or a Panama Canal Certificate in respect of a foreign ship involves measurement of the under-deck of the ship, the full fee set forth in column A of the table in section 1 is payable and, if in such a case both a Suez Canal Certificate and a Panama Canal Certificate are required, the full fee set forth in column A of the table in section 1 plus two-fifths of such fee is chargeable.

(3) Where an alteration is of a minor character involving little work for the surveyor, the Minister of Transport may reduce the amount of the fee payable.

(4) The fee for a certified copy of a Suez Canal Certificate or a Panama Canal Certificate is \$2.00.

*Naval Vessels Transferred to Private Ownership*

6. When trawlers and drifters built and measured for the British Admiralty or the Naval Service are transferred to private owners and are measured for the purpose of registration under the Canada Shipping Act, and alterations are found to have been made to the vessels affecting their tonnage, the fees in respect of the remeasurement are as set forth in section 1; but where no such alterations have been made a fee of \$2.00 is payable for the surveyor's visit to the vessel and the issue of the Certificate of Survey.

**Canada Shipping Act—continued**

**43. General Load Line Rules**

P.C. 1954-1929

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 430 of the Canada Shipping Act, is pleased to order as follows:

1. The Load Line Rules for ships making international voyages other than voyages between Canada and the United States of America on any lakes or rivers, and voyages from any place in Canada to any other place in Canada other than on any lakes or rivers, established by Order in Council P.C. 63 of 18th January, 1949, as amended; and Order in Council P.C. 1953-1485 of 24th September, 1953, exempting towed barges, not carrying passengers and operating in the waters therein described, from the application of the Load Line Rules, are hereby revoked; and

2. The annexed "Load Line Rules for ships making international voyages other than voyages between Canada and the United States of America on any lakes or rivers, and voyages from any place in Canada to any other place in Canada other than on any lakes or rivers" are hereby made and established in substitution for the regulations and order hereby revoked.

LOAD LINE RULES

FOR

SHIPS MAKING INTERNATIONAL VOYAGES OTHER THAN VOYAGES  
BETWEEN CANADA AND THE UNITED STATES OF AMERICA  
ON ANY LAKES OR RIVERS

AND

VOYAGES FROM ANY PLACE IN CANADA TO ANY OTHER PLACE  
IN CANADA OTHER THAN ON ANY LAKES OR RIVERS

**Part I**

*Interpretation*

1. These rules may be cited as the *General Load Line Rules*.
2. In these rules,
  - (a) "Act" means the Canada Shipping Act;
  - (b) "amidships" means the middle of the length of the summer load waterline as defined in rule 41;
  - (c) "Assigning Authority" means the Chairman of the Board of Steamship Inspection, Lloyd's Register of Shipping, the British Committee of the Bureau Veritas, or the American Bureau of Shipping;
  - (d) "conditions of assignment" means the conditions of assignment set out in Part V;

**Canada Shipping Act—continued**

- (e) "flush deck ship" means a ship which has no superstructure on the freeboard deck;
- (f) "freeboard" means the distance measured vertically downwards at the side of the ship amidships from the upper edge of the deck line to the upper edge of the load line mark;
- (g) "freeboard deck" means the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with rules 17 to 24, and in flush deck ships and ships with detached superstructures means the upper deck; in ships having discontinuous freeboard decks within superstructures that are not intact, or that are not fitted with Class 1 closing appliances as defined in rule 52, the lowest line of the deck below the superstructure deck shall be deemed to be the freeboard deck;
- (h) "Minister" means the Minister of Transport;
- (i) "sailing ship" includes all ships provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion;
- (j) "special steamship freeboard" means a freeboard assigned under Part X;
- (k) "steamship" includes all ships having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone, and for the purposes of these rules a lighter, barge or other ship without independent means of propulsion, when towed, is deemed to be a steamship;
- (l) "superstructure" means a decked structure on the freeboard deck extending from side to side of the ship, and includes a raised quarter deck and a bridge of set in construction complying with the provisions of paragraph (d) of rule 61; and "superstructure deck" means the deck forming the top of a superstructure;
- (m) "surveyor" means a Steamship Inspector or, where the Assigning Authority is one other than the Chairman, a qualified surveyor appointed by such Assigning Authority;
- (n) "tanker" includes all steamships specially constructed for the carriage of liquid cargoes in bulk;
- (o) "tanker freeboard" means a freeboard assigned under Part IX;
- (p) "Timber Cargo Regulations" means the regulations for the time being in force, made by the Governor in Council under section 448 of the Act;
- (q) "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck, but does not include a cargo of wood pulp or similar substance; and
- (r) "timber freeboard" means a freeboard assigned under Part VIII.

**Part II***Surveys*

3. Lloyd's Register of Shipping, the British Committee of the Bureau Veritas and the American Bureau of Shipping, are hereby authorized to survey and mark ships under the provisions of these rules, and to issue load line certificates.

**Canada Shipping Act—continued**

4. (1) Subject to the provisions of rule 7 every application for the issue or renewal of a load line certificate shall be made by or on behalf of the owner of the ship to an Assigning Authority.

(2) Every application for the issue or renewal of a load line certificate in respect of timber freeboards shall be accompanied by such plans as the Assigning Authority may require, showing the fittings and arrangements for stowing and securing timber deck cargoes in accordance with Part VIII and the Timber Cargo Regulations.

(3) Every application for the issue or renewal of a load line certificate in respect of tanker freeboards shall be accompanied by such plans as the Assigning Authority may require, showing the fittings and arrangements provided or to be provided for the purpose of complying with Part IX.

(4) On every such application, there shall be paid by the owner the fee prescribed in Schedule A.

5. (1) The Assigning Authority shall upon receipt of the application and of the prescribed fee cause the ship to be surveyed by a surveyor as hereinafter provided.

(2) The surveyor shall survey the ship with a view to satisfying himself

(a) that the material and workmanship of all parts of the hull of the ship are in all respects satisfactory and efficient, and that having regard to the period for which the load line certificate is to be issued or renewed, the hull is in good condition internally and externally;

(b) that the ship

(i) if the keel was laid after the 30th day of June, 1932, complies with the conditions of assignments to the extent thereby required in the case of that ship;

(ii) if the keel was laid before the 1st day of July, 1932, complies with the conditions of assignment in principle and also in detail so far as is reasonable and practicable having regard to the efficiency of the protection of openings, the guard-rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time of survey;

(c) in the case of an application for the issue or renewal of a certificate in respect of timber freeboards, that the ship also complies with the provisions of Part VIII to the extent thereby required in the case of that ship;

(d) in the case of an application for the issue or renewal of a certificate in respect of tanker freeboards, that the ship also complies with the provisions of Part IX to the extent thereby required in the case of that ship; and

(e) in the case of an application for the issue or renewal of a certificate in respect of special steamship freeboards, that the ship also complies with the provisions of Part X to the extent thereby required in the case of that ship.

(3) On the completion of the survey the surveyor shall forward to the Assigning Authority a report stating the result of the survey and containing such particulars of the ship as are required by the Assigning Authority to permit the assignment of the appropriate freeboards to the ship.



**Canada Shipping Act—continued**

(4) On receipt of the surveyor's report the Assigning Authority, if satisfied that the ship complies with the appropriate provisions of these rules to the extent thereby required in the case of that ship, shall assign freeboards to the ship in the case of a ship the keel of which was laid after the 30th day of June, 1932, in accordance with such of these rules as are applicable to the ship or, in the case of a ship the keel of which was laid before the 1st day of July, 1932, in accordance with paragraph (c) of subsection (2) of section 431 of the Act, and shall furnish the owner with particulars as to the nature of the load lines and of the position in which the deck line and the load lines are to be marked on the ship.

(5) The position of each load line shall be such that the distance measured vertically from the upper edge of the deck line to the upper edge of the load line is equal to the freeboard assigned to the ship which is appropriate to that load line.

6. (1) Every application for the annual survey of a ship, under the provisions of subsection (4) of section 436 of the Act, for the purpose of seeing whether the load line certificate issued to that ship should remain in force, shall be made by or on behalf of the owner to the Assigning Authority by whom the certificate was issued.

(2) There shall be paid, in respect of such survey, the fee prescribed in Schedule A.

(3) The Assigning Authority shall upon receipt of the application and of the prescribed fee cause the ship to be surveyed by a surveyor; the surveyor shall survey the ship with a view to satisfying himself

(i) that the fittings and appliances for the protection of openings, the guard-rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued; and

(ii) that no material alterations have taken place in the hull or superstructures of the ship which affect the positions of the load lines.

(4) Upon the completion of the survey to the satisfaction of the surveyor, he shall forward a report thereon to the Assigning Authority and endorse on the certificate a statement that the survey of the ship has been so completed; a copy of such report shall be forwarded to the Chairman.

(5) Where a ship has had load lines assigned the Assigning Authority shall report to the Minister every case of neglect on the part of the owner to have such ship submitted for annual survey.

7. Where the Assigning Authority is the Chairman

(a) application for assignment of load lines in respect of a ship or for the renewal of a load line certificate shall be made in duplicate in such form as the Board may require and shall be addressed to the office of the Steamship Inspector in the district in which the ship will be surveyed or, where the ship is not to be surveyed in Canada, to the Chairman;

(b) where a ship, in respect of which application is made for the assignment of load lines, is one classed in a recognized classification society, the certificate of class, or a certified copy thereof, shall be attached to the application; and

**Canada Shipping Act—continued**

- (c) where a ship is not one classed to the highest standard of a recognized classification society, the application for the assignment of load lines shall be accompanied by such plans as the Board may require.

**Part III**

*Load Line Marks*

8. On receiving from the Assigning Authority the particulars as to the deck line and load lines as provided in subsection (4) of rule 5, the owner shall cause to be marked on each side of the ship, to the satisfaction of the surveyor, the appropriate marks in accordance with this Part.

9. The disc, lines and letters described in rule 10 shall be marked in such manner as in the surveyor's opinion will make them plainly visible; they shall be painted in white or yellow on a dark ground or in black on a light ground, and shall also be carefully cut in or centre-punched on the sides of iron and steel ships, and on wood ships shall be cut into the planking for at least one-eighth of an inch.

10. A steamship shall be marked on each side with a deck line and load lines as follows:

- (a) a deck line which shall be a horizontal line twelve inches in length and one inch in breadth marked amidships with its upper edge passing through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell, (see Figure 1); where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outwards of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell;
- (b) a load line disc twelve inches in diameter intersected by a horizontal line eighteen inches in length and one inch in breadth, the upper edge of which passes through the centre of the disc; the disc shall be marked amidships below the deck line;
- (c) horizontal lines nine inches in length and one inch in breadth which extend from, and are at right angles to, a vertical line marked twenty-one inches forward of the centre of the disc (see Figure 1), and which indicate the maximum depth to which the ship may be loaded in different circumstances and in different seasons; these lines are as follows:
  - (i) the Summer Load Line indicated by the upper edge of the line which passes through the centre of the disc and also by the upper edge of a line marked S;
  - (ii) the Winter Load Line indicated by the upper edge of a line marked W;
  - (iii) the Winter North Atlantic Load Line indicated by the upper edge of a line marked WNA; this line shall not be marked on a steamship over 330 feet in length not being a tanker or a steamship of special type to which rule 13 applies;
  - (iv) the Tropical Load Line indicated by the upper edge of a line marked T;
  - (v) the Fresh Water Load Line in summer indicated by the upper edge of a line marked F; and

**Canada Shipping Act—continued**

- (vi) the Tropical Fresh Water Load Line indicated by the upper edge of a line marked TF.

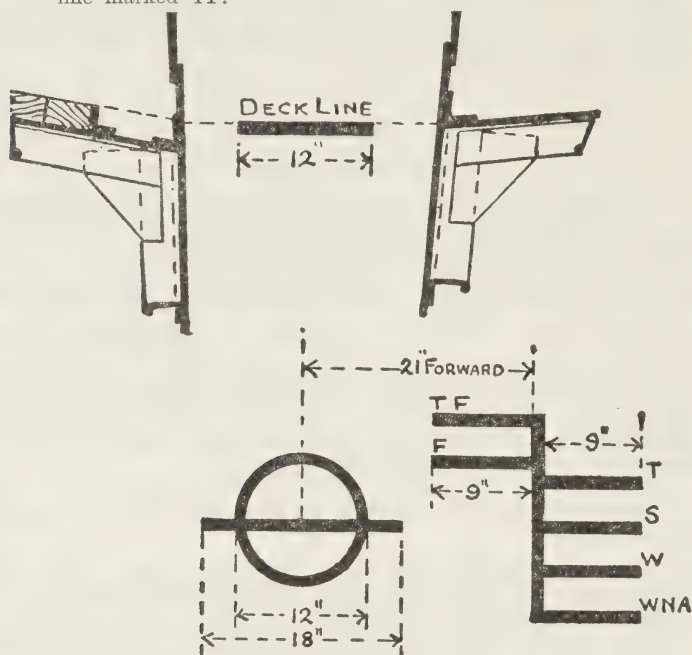


FIGURE 1.

11. A sailing ship shall be marked on each side with a deck line, a load line disc and a Winter North Atlantic load line as provided in rule 10 and with a Fresh Water load line indicated by the upper edge of a line marked F (see Figure 2).

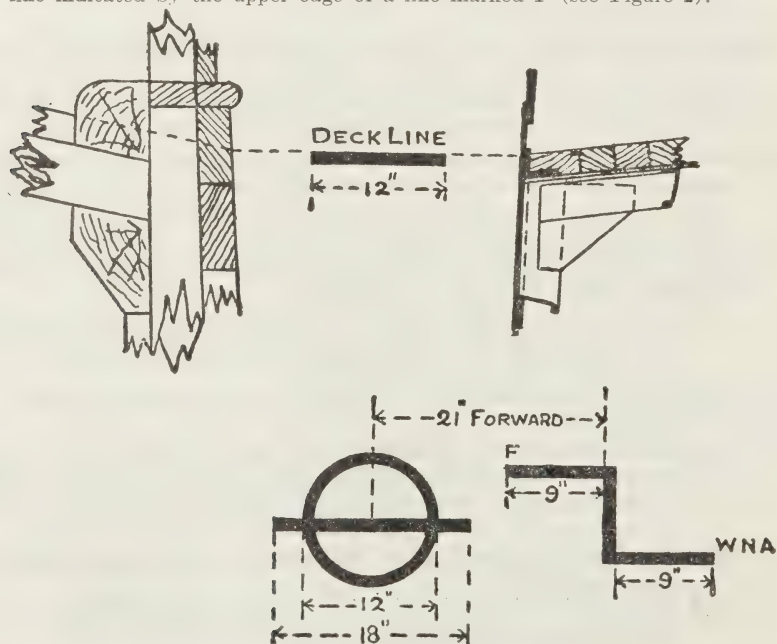


FIGURE 2.

**Canada Shipping Act—continued**

12. Every steamship to which timber load lines are assigned in accordance with Part VIII shall be marked with the following lines in addition to the lines referred to in rule 10:

Horizontal lines nine inches in length and one inch in breadth, which extend from, and are at right angles to, a vertical line marked twenty-one inches abaft the centre of the disc (see Figure 3) and which indicate the maximum timber load lines in different circumstances and in different seasons; these lines are as follows:

- (i) the Summer Timber Load Line indicated by the upper edge of a line marked LS;
- (ii) the Winter Timber Load Line indicated by the upper edge of a line marked LW;
- (iii) the Winter North Atlantic Timber Load Line indicated by the upper edge of a line marked LWNA;
- (iv) the Tropical Timber Load Line indicated by the upper edge of a line marked LT;
- (v) the Fresh Water Timber Load Line in summer indicated by the upper edge of a line marked LF; the Fresh Water Timber Load Line in the Tropical Zone indicated by the upper edge of a line marked LTF.

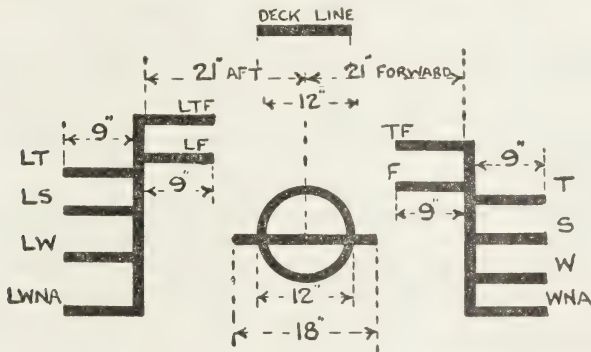


FIGURE 3.

13. Every tanker to which a tanker freeboard is assigned in accordance with Part IX and every steamship of special type to which a freeboard is assigned in accordance with Part X shall be marked with the lines referred to in rule 10; provided that the Winter North Atlantic load line shall always be marked whatever the length of the steamship.

14. For the purpose of indicating the name of the Assigning Authority by whom the freeboards have been assigned, letters measuring about  $4\frac{1}{2}$  inches by 3 inches may be marked alongside the disc and above the line through the centre of the disc.

**Part IV**

*Certificates*

15. Every load line certificate in respect of freeboards assigned to a ship shall be issued by the Assigning Authority by whom those freeboards were assigned and shall be in such one of the forms set out in Schedule B as is appropriate to the case, or in such other form substantially to the like effect as the Minister may from time to time direct.



**Canada Shipping Act—continued**

16. (1) On the Assigning Authority being satisfied that the ship has been marked to the surveyor's satisfaction as required by these rules and that the prescribed fee has been paid, the certificate shall be delivered to the applicant together with a certified copy thereof.

(2) A further certified copy of each certificate issued by an Assigning Authority other than the Chairman shall be sent to the Chairman by the Assigning Authority.

**Part V***Conditions of Assignment**Openings in Freeboard and Superstructure Decks*

17. The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks shall be at least equivalent to the standards laid down in rules 18 to 24.

18. (1) The height of hatchway coamings on freeboard decks shall be at least 24 inches above the deck; the height of coamings on superstructure decks shall be at least 24 inches above the deck if situated within a quarter of the ship's length from the stem, and at least 18 inches if situated elsewhere.

(2) Coamings shall be of steel, shall be substantially constructed and, where required to be 24 inches high, shall be fitted with an efficient horizontal stiffener placed not lower than 10 inches below the upper edge, and with efficient brackets or stays from the stiffener to the deck, at intervals of not more than 10 feet.

19. (1) Covers to exposed hatchways shall be efficient, and where they are made of wood, the finished thickness shall be at least  $2\frac{3}{8}$  inches in association with a span of not more than 5 feet, and the ends of the wood covers are to be protected by a galvanized steel band efficiently secured. The width of each bearing surface for these hatchway covers shall be at least  $2\frac{1}{2}$  inches.

(2) The provisions of subsection (1) requiring the ends of the wood covers to be protected by a galvanized steel band efficiently secured do not apply to wood hatch covers in use prior to the 1st day of January, 1949, but apply in all cases where such hatch covers are renewed.

20. Where wood hatchway covers are fitted the hatchway beams and fore-and-afters shall be of the scantlings and spacings given in Schedule D where coamings 24 inches high are required, and as given in Schedule E where coamings 18 inches high are required; angle bar mountings on the upper edge shall extend continuously for the full length of each beam; wood fore-and-afters shall be steel shod at all bearing surfaces.

21. Carriers or sockets for hatchway beams and fore-and-afters shall be of steel at least  $\frac{1}{2}$  inch thick, and shall have a width of bearing surface of at least 3 inches.

22. Strong cleats at least  $2\frac{1}{2}$  inches wide shall be fitted at intervals of not more than 2 feet from centre to centre; the end cleats shall be placed not more than 6 inches from each corner of the hatchway; and, in the case of a ship whose keel is laid after the 1st day of January, 1949, the cleats shall be of a pattern approved by the Assigning Authority and shall be set to fit the taper of the wedges.

**Canada Shipping Act—continued**

23. (1) Battens and wedges shall be efficient and in good condition.

(2) In the case of a ship whose keel is laid after the 1st day of January, 1949, wedges shall be made from tough wood cut to a taper of 1 in 6 and shall be not less than  $\frac{1}{2}$  inch thick at the toe.

(3) At least two tarpaulins in good condition, thoroughly water-proofed and of ample strength, shall be provided for each hatchway in an exposed position on freeboard and superstructure decks; the material of the tarpaulins shall be guaranteed free from jute, and the minimum weight of the material, before treatment, shall be 19 ounces per square yard if to be tarred, 18 ounces per square yard if to be chemically dressed or 16 ounces per square yard for black oil dressing.

24. (1) Where coamings are required to be 24 inches high, steel bars or other equivalent means shall be provided for efficiently and independently securing each section of hatchway covers after the tarpaulins are battened down.

(2) At all other hatchways in exposed positions on freeboard and superstructure decks, ring bolts or other fittings for lashings shall be provided.

(3) Where hatchway covers extend over intermediate supports, steel bars or their equivalent shall be fitted at each end of each section of the covers.

(4) The provisions of subsections (1) and (3) apply to a ship whose keel is laid after the 1st day of January, 1949; and such provisions shall also apply to any other ship if, in the opinion of the Assigning Authority, compliance with such provisions is reasonable and practicable, provided that where full compliance is not considered to be reasonable and practicable, efficient means for securing the hatchway covers after the tarpaulins are battened down shall be provided in the form of fittings for special lashings to the satisfaction of the Assigning Authority.

25. (1) Cargo, coaling and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than Class 1 but not less efficient than Class 2 shall have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways whose coamings are 18 inches high.

(2) Where the closing appliances are less efficient than Class 2, the hatchways shall have coamings at least 18 inches in height, and shall have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

26. (1) Machinery space openings in exposed positions on freeboard and raised quarter decks shall be properly framed and efficiently enclosed by steel casings of ample strength; doors in such casings shall be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides; the sills of openings shall be at least 24 inches above the freeboard deck and at least 18 inches above the raised quarter deck.

(2) Fiddley, funnel and ventilator coamings shall be as high above the deck as is reasonable and practicable; fiddley openings shall have strong steel covers permanently attached in their proper positions.

**Canada Shipping Act—continued**

27. (1) Machinery space openings in exposed positions on superstructure decks other than raised quarter decks shall be properly framed and efficiently enclosed by strong steel casings; doors in such casings shall be strongly constructed, permanently attached, and capable of being closed and secured from both sides; the sills of the openings shall be at least 15 inches above superstructure decks.

(2) Fiddley, funnel and ventilator coamings shall be as high above the deck as is reasonable and practicable; fiddley openings shall have strong steel covers permanently attached in their proper positions.

28. Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than Class 1 shall be properly framed and efficiently enclosed by steel casings; doors in such casings shall be strongly constructed, permanently attached and capable of being securely closed; the sills of the openings shall be at least 9 inches above the deck where the superstructures are closed by Class 2 closing appliances, and at least 15 inches above the deck where the closing appliances are less efficient than Class 2.

29. (1) Flush bunker scuttles may only be fitted in superstructure decks, except in the case of small ships in special trades when they may be fitted in other positions by permission of the Assigning Authority.

(2) Such scuttles shall be of iron or steel, of substantial construction, with screw or bayonet joints; where a scuttle is not secured by hinges, a permanent chain attachment shall be provided.

30. Companionways in exposed positions on freeboard decks and on decks of enclosed superstructures shall be of substantial construction; the sills of the doorways shall be of the heights specified for hatchway coamings in rules 18 and 25; the doors shall be strongly constructed and capable of being closed and secured from both sides; where the companionway is situated within a quarter of the ship's length from the stem, it shall be of steel and riveted to the deck plating.

31. (1) Ventilators in exposed positions on freeboard and superstructure decks to spaces below freeboard decks or decks of superstructures which are intact or fitted with Class 1 closing appliances shall have coamings of steel, substantially constructed, and efficiently connected to the deck by rivets spaced four diameters apart centre to centre, or by equally effective means; the deck plating at the base of the coaming shall be efficiently stiffened between the deck beams; the ventilator openings shall be provided with efficient closing arrangements.

(2) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the ship's length from the stem, and the closing arrangements of the ventilators are of a temporary character, the coamings shall be at least 36 inches in height; in other exposed positions on the superstructure deck they shall be at least 30 inches in height; where the coaming of any ventilator exceeds 36 inches in height, it shall be specially supported and secured.

32. Where the air pipes to ballast and other tanks extend above freeboard or superstructure decks, the exposed parts of the pipes shall be of substantial construction; the height from the deck to the opening shall be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter decks, and 18 inches on other superstructure decks; efficient means shall be provided for closing the openings of the air pipes.



**Canada Shipping Act—continued**

*Openings in the Sides of Ships*

33. Openings in the sides of ships such as gangways, cargo ports, coaling ports, rubbish chutes or ash chutes which are below the freeboard deck shall be fitted with watertight doors or covers which, with their securing appliances, shall be of sufficient strength.

34. (1) Scuppers and sanitary discharge pipes led through the ship's sides from spaces below the freeboard deck shall be fitted with efficient and accessible means for preventing water from passing inboard; each separate discharge shall have either an automatic non-return valve with a positive means of closing it from a position above the freeboard deck, or two automatic non-return valves without positive means of closing; provided that the upper valve is situated so that it is always accessible for examination under service conditions; the positive action valve shall be readily accessible and shall be provided with means for showing whether the valve is open or closed; cast iron shall not be accepted for such valves when attached to the sides of the ship.

(2) The provisions of subsection (1) apply to discharges from spaces within enclosed superstructures if and to the extent that the Assigning Authority considers necessary, having regard to the type and location of the inboard ends of such openings.

(3) Where scuppers are fitted in superstructures not fitted with Class 1 closing appliances they shall have efficient means for preventing the accidental admission of water below the freeboard deck.

(4) In the case of a ship whose keel is laid after the 1st day of January 1949, cast iron shall not be used for valves and discharges led through the ship's sides below the freeboard deck or through the sides of enclosed superstructures.

35. (1) Side scuttles to spaces below the freeboard deck, or to spaces below the superstructure deck of superstructures closed by Class 1 or Class 2 closing appliances, shall be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

(2) Where, however, such spaces in superstructures are appropriated to passengers, other than steerage passengers, or to crew, the side scuttles may have portable deadlights stowed adjacent to the side scuttles; provided that they are readily accessible at all times on service.

(3) The side scuttles and deadlights shall be of substantial construction and of types approved by the Board.

*Miscellaneous Provisions*

36. Efficient guard rails or bulwarks shall be fitted on all exposed portions of freeboard and superstructure decks.

37. (1) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells", ample provision shall be made for rapidly freeing the decks of water and for draining them; the minimum freeing port area on each side of the ship for each "well" on freeboard decks and on raised quarter decks shall be that given by the following scale; the minimum area for each well on any superstructure deck other than a raised quarter deck shall be one-half the area given by that scale; where the length of the well exceeds seven-tenths of the length of the ship, as defined



**Canada Shipping Act—continued**

in rule 41, the Assigning Authority may modify that scale; in ships with less than the standard sheer the freeing port area shall be increased as required by the Assigning Authority.

SCALE OF FREEING PORT AREA

<i>Length of bulwarks in "well" in feet</i>	<i>Freeing port area on each side in square feet</i>
15	8.0
20	8.5
25	9.0
30	9.5
35	10.0
40	10.5
45	11.0
50	11.5
55	12.0
60	12.5
65	13.0
Above 65	1 square foot for each additional 5 feet length of bulwarks.

(2) The lower edges of the freeing ports shall be as near the deck as practicable and as a general rule shall not be higher than the upper edge of the gunwale bar; two-thirds of the freeing port area required shall be provided in the midship half of the well.

(3) All such openings in the bulwarks shall be protected by rails or bars spaced about 9 inches apart; where shutters are fitted to freeing ports, ample clearance shall be provided to prevent jamming; hinges shall have brass pins.

38. (1) Gangways, lifelines or other satisfactory means shall be provided for the protection of the crew in getting to and from their quarters.

(2) The strength of houses for the accommodation of crew on flush deck steamships shall be equivalent to that required for superstructure bulkheads.

39. Notwithstanding anything in this Part, the Assigning Authority may, in any exceptional case, allow departures from the provisions thereof on condition that the freeboards computed for the ship are increased to such extent as will, in the opinion of the Board, secure that the protection afforded to the ship and crew is not less effective than it would be if the ship fully complied with the said provisions and there had been no increase of freeboards.

**Part VI***Computation of Freeboards for Steamships*

40. Subject to the provisions of paragraph (c) of subsection (2) of section 431 of the Act and subject to rule 39, the freeboards for steamships other than tankers or steamships of special type to which freeboards are assigned under Parts IX and X shall be computed in accordance with this Part.

**Canada Shipping Act—continued**

41. The length (L) for the purposes of these rules is the length in feet on the summer load waterline from the foreside of the stem to the afterside of the rudder post; where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock; for ships with cruiser sterns, the length shall be taken as 96 per cent of the total length on the designed summer load waterline or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

42. The breadth (B) for the purposes of these rules is the maximum breadth in feet amidships to the moulded line of the frame in iron or steel ships, and to the outside of the planking in wood or composite ships.

43. The moulded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side; in wood and composite ships the distance is measured from the lower edge of the keel rabbet; where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

44. (1) The depth (D) for the purposes of these rules is the moulded depth plus the thickness of stringer plate, or plus  $\frac{T(L - S)}{L}$  if that be greater, where

T is the mean thickness of the exposed deck clear of deck openings, and S is the total length of superstructures as defined in rule 49.

(2) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam and area of topside section equal to that in the actual midship section; where there is a step or break in the topsides (e.g., as in the turret deck ship) seventy per cent of the area above the step or break is included in the area used to determine the equivalent section.

(3) In a ship without an enclosed superstructure covering at least .6L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, where D is less

than  $\frac{L}{15}$ , the depth used with the table set out in rule 77 shall not be taken as less than  $\frac{L}{15}$ .

45. (1) The coefficient of fineness (c) for the purposes of these rules is obtained by the formula:

$$c = \frac{35 \Delta}{L.B.d_1},$$

where  $\Delta$  is the ship's moulded displacement (excluding bossing) in salt water in tons of 2,240 pounds each, at a mean moulded draught  $d_1$ , which is 85 per cent of the moulded depth.

(2) The coefficient (c) shall not be taken as less than .68.

**Canada Shipping Act—continued***Strength*

46. (1) The Assigning Authority shall be satisfied with the structural strength of any ship before assigning to it a freeboard.

(2) Ships which comply with the highest standard of the rules of a classification society recognized for this purpose by the Minister, shall be regarded as having sufficient strength for the minimum freeboards allowed under these rules.

(3) Ships which do not comply with the highest standard of the rules of a classification society recognized as aforesaid shall be assigned such increased freeboards as shall be determined by the Assigning Authority, having regard to the extent to which the ship complies with the following strength moduli:

- (i) Material—The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open hearth process (acid or basic), and having a tensile strength of 26 to 32 tons of 2,240 pounds each per square inch, and an elongation of at least 16 per cent on a length of 8 inches.

Strength Deck—The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

Depth to Strength Deck ( $D_s$ )—The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

Draught (d)—The draught is the vertical distance in feet amidships from the top of the keel to the centre of the disc.

I

- (ii) Longitudinal Modulus—the longitudinal modulus — is the moment  $\frac{I}{y}$

of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

Below the strength deck, all continuous longitudinal members other than such parts of the under deck girders as are required entirely for supporting purposes are included. Above the strength deck, the gunwale angle bar and the extension of the sheerstrake are the only members included.

The required longitudinal modulus for effective material is expressed by the formula f.d.B., where f is the factor obtained from the following table:

L	f.	L.	f.
100	1.80	360	9.40
120	2.00	380	10.30
140	2.35	400	11.20
160	2.70	420	12.15
180	3.15	440	13.10
200	3.60	460	14.15
220	4.20	480	15.15
240	4.80	500	16.25
260	5.45	520	17.35
280	6.20	540	18.45
300	6.95	560	19.60
320	7.70	580	20.80
340	8.55	600	22.00

Canada Shipping Act—continued

For intermediate lengths, the value of  $f$  is determined by interpolation.

This formula applies where  $L$  does not exceed 600 feet,  $B$  is between  $\frac{L}{10} + 5$  and  $\frac{L}{10} + 20$ , both inclusive, and  $\frac{L}{D_s}$  is between 10 and 13.5, both inclusive.

- (iii) Frame—For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

Frame Modulus—The modulus  $\frac{I}{y}$  of the midship frame below the lowest tier of beams is the moment of inertia  $I$  of the frame section about the neutral axis divided by the distance  $y$  measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

The required frame modulus is expressed by the formula

$$\frac{s(d - t)(f_1 + f_2)}{1,000}$$

where  $s$  is the frame spacing in inches;

$t$  is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see Figure 4); where there is no double bottom,  $t$  is measured to a point midway between the top of the floor at centre and the top of the floor at side;

$f_1$  is a coefficient depending on  $H$ , which, in ships fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see Figure 4). Where there is no double bottom,  $H$  is measured to a point midway between the top of the floor at centre and the top of the floor at side. Where the frame obtains additional strength from the form of the ship, due allowance is made in the value of  $f_1$ ;

$f_2$  is a coefficient depending on  $K$ , which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side (see Figure 4). The values of  $f_1$  and  $f_2$  are obtained from the following tables:

H in feet.....	0	7	9	11	13	15	17	19	21	23	25
$f_1$ .....	9	11	12.5	15	19	24	29.5	36	43	51	59

K in feet.....	0	5	10	15	20	25	30	35	40
$f_2$ .....	0	0.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0



**Canada Shipping Act—continued**

Intermediate values are obtained by interpolation.

This formula applies where D is between 15 feet and 60 feet,

both inclusive, B is between  $\frac{L}{10} + 5$  and  $\frac{L}{10} + 20$ , both inclusive,

$\frac{L}{D_s}$  is between 10 and 13.5, both inclusive; and the horizontal distance from the outside of the frame to the centre of the first row of pillars does not exceed 20 feet.

In single deck ships of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor  $f_3$  where

$$f_3 = .50 + .05 (H - 8).$$

Where the horizontal distance from the outside of the frame to the centre of the first row of pillars exceeds 20 feet, sufficient additional strength shall be provided to the satisfaction of the Assigning Authority.

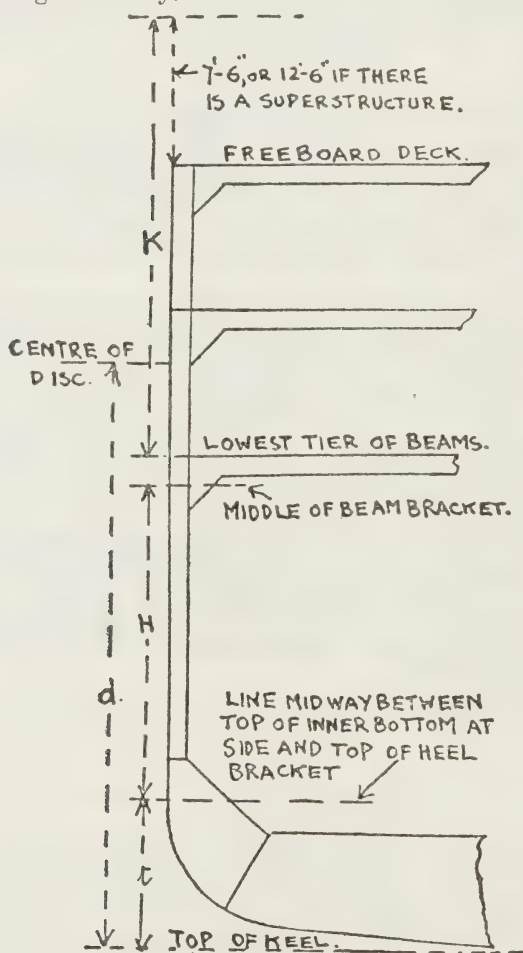


Figure 4

**Canada Shipping Act—continued***Superstructures*

47. The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between the moulded depth and D as defined in rules 43 and 44.

48. The standard height of a raised quarter deck is 3 feet for ships up to and including 100 feet in length, 4 feet for ships 250 feet in length and 6 feet for ships 400 feet in length and above; the standard height of any other superstructure or of a trunk is 6 feet for ships up to and including 250 feet in length and 7 feet 6 inches for ships 400 feet in length and above; the standard height at intermediate lengths is obtained by interpolation.

49. The length of a superstructure (S) is the mean covered length of the parts of the superstructure which extend to the sides of the ship and lie within lines drawn perpendicular to the extremities of the summer load waterline, as defined in rule 41.

50. A detached superstructure is regarded as enclosed only where

- (a) the enclosing bulkheads are of efficient construction as required by rule 51;
- (b) the access openings in these bulkheads are fitted with Class 1 or Class 2 closing appliances (as defined in rules 52 and 53);
- (c) all other openings in sides or ends of the superstructure are fitted with efficient weathertight means of closing; and
- (d) independent means of access to crew, machinery, bunker and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

51. Bulkheads at exposed ends of poops, bridges and forecastles are deemed to be of efficient construction where the Assigning Authority is satisfied that, in the circumstances, they are equivalent to the following standard for ships with minimum freeboards, under which standard the stiffeners and plating are of the scantlings given in the table hereinafter contained, the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

## Canada Shipping Act—continued

## EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT

Bridge Front Bulkheads. Unprotected bulkheads of poops .4L or more in length		Bulkheads of Poops partially protected or less in length than .4L		After Bulkheads of Bridges and Forecastsles	
Length of ship	Bulb angle stiffeners	Length of ship	Plain angle stiffeners	Length of ship	Plain angle stiffeners
feet	inches	feet	inches	feet	inches
Under 160	$5\frac{1}{2} \times 3 \times .30$	Under 150	$3 \times 2\frac{1}{2} \times .30$	Under 150	$2\frac{1}{2} \times 2\frac{1}{2} \times .26$
160	$6 \times 3 \times .32$	150	$3\frac{1}{2} \times 2\frac{1}{2} \times .32$	150	$3 \times 2\frac{1}{2} \times .28$
200	$6\frac{1}{2} \times 3 \times .34$	200	$4 \times 3 \times .34$	250	$3\frac{1}{2} \times 3 \times .30$
240	$7 \times 3 \times .36$	250	$4\frac{1}{2} \times 3 \times .36$	350	$4 \times 3 \times .32$
280	$7\frac{1}{2} \times 3 \times .38$	300	$5 \times 3 \times .38$		
320	$8 \times 3 \times .40$	350	$5\frac{1}{2} \times 3 \times .42$		
360	$8\frac{1}{2} \times 3 \times .42$	400	$6 \times 3 \times .44$		
400	$9 \times 3 \times .44$	450	$6\frac{1}{2} \times 3\frac{1}{2} \times .46$		
440	$9\frac{1}{2} \times 3\frac{1}{2} \times .46$	500	$7 \times 3\frac{1}{2} \times .48$		
480	$10 \times 3\frac{1}{2} \times .48$	550	$7 \times 3\frac{1}{2} \times .50$		
520	$10\frac{1}{2} \times 3\frac{1}{2} \times .50$				
560	$11 \times 3\frac{1}{2} \times .52$				
Length of ship	Bulkhead plating	Length of ship	Bulkhead plating	Length of ship	Bulkhead plating
feet	inch	feet	inch	feet	inch
200		160		160	
and under	.3	and under	.24	and under	.20
380		400		400	
and above	.44	and above	.38	and above	.30

For ships intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

*Appliances for Closing Access Openings in Bulkheads at Ends  
of Detached Superstructures*

52. The following conditions apply to Class 1 closing appliances: they shall be constructed of iron or steel, they shall in all cases be permanently and strongly attached to the bulkhead, they shall be framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead, and they shall be weathertight when closed; the means for securing these appliances shall be permanently attached to the bulkhead or to the appliances and the latter shall be so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above; the sills of the access openings shall be at least 15 inches above the deck.

53. The following closing appliances shall be Class 2 closing appliances:

- (a) strongly framed hardwood hinged doors, which are not more than 30 inches wide or less than 2 inches thick;
- (b) shifting boards fitted for the full height of the opening in channels riveted to the bulkheads, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width; or
- (c) portable plates of equal efficiency with the appliances specified in paragraphs (a) or (b).

**Canada Shipping Act—continued***Temporary Appliances for Closing Openings in Superstructure Decks*

54. Temporary closing appliances for middle line openings in the deck of an enclosed superstructure shall be regarded as efficient if they consist of

- (a) a steel coaming not less than 9 inches in height efficiently riveted to the deck;
- (b) hatchway covers as required by rule 19, secured by hemp lashings; and
- (c) hatchway supports as required by rules 20 and 21 and Schedule D or E.

*Effective Length of Detached Superstructures*

55. For the purpose of determining the effective length of detached superstructures rules 56 to 61 shall apply.

56. (1) Where exposed bulkheads at the ends of poops, bridges and forecastles are not of efficient construction (see rule 51) they shall be treated as non-existent.

(2) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening shall be regarded as having no effective length.

(3) Where the height of a superstructure is less than the standard, its length shall be reduced in the ratio of the actual to the standard height; where the height exceeds the standard, no increase shall be made in the length of the superstructure.

57. (1) Where, at the end of a poop, there is an efficient bulkhead and the access openings are fitted with Class 1 closing appliances, the length of the poop to the bulkhead shall be the effective length.

(2) Where the access openings in an efficient bulkhead are fitted with Class 2 closing appliances and the length of the poop to the bulkhead is  $.5L$  or less, 100 per cent of that length shall be the effective length; where the length is  $.7L$  or more, 90 per cent of that length shall be the effective length; where the length is between  $.5L$  and  $.7L$  an intermediate percentage of that length shall be the effective length; but where in any of these cases an allowance is given for an efficient adjacent trunk, (see rule 61), only 90 per cent of the length to the bulkhead shall be the effective length.

(3) Fifty per cent of the length of an open poop or of an open extension of a poop beyond an efficient bulkhead shall be the effective length of the open poop or of the extension, as the case may be.

58. Where, at the end of a raised quarter deck, there is an efficient intact bulkhead, the length of the raised quarter deck to the bulkhead shall be the effective length; where the bulkhead is not intact, the superstructure shall be regarded as a poop of less than standard height.

59. (1) Where there is an efficient bulkhead at each end of a bridge and the access openings in the bulkheads are fitted with Class 1 closing appliances, the length between the bulkheads shall be the effective length.

(2) Where the access openings in the forward bulkhead of a bridge are fitted with Class 1 closing appliances and the access openings in the after bulkhead with Class 2 closing appliances, the length between the bulkheads shall be the effective length; but where an allowance is given



**Canada Shipping Act—continued**

for an efficient trunk adjacent to the after bulkhead (see rule 61), 90 per cent of the length shall be the effective length; where the access openings in both bulkheads are fitted with Class 2 closing appliances, 90 per cent of the length between the bulkheads shall be the effective length; where the access openings in the forward bulkhead are fitted with Class 1 or Class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 per cent of the length between the bulkheads shall be the effective length; where the access openings in both bulkheads have no closing appliances, 50 per cent of the length shall be the effective length.

(3) Seventy-five per cent of the length of an open extension beyond the after bulkhead of a bridge, and 50 per cent of that beyond the forward bulkhead, shall be the effective length.

60. (1) Where, at the end of a forecastle, there is an efficient bulkhead and the access openings are fitted with Class 1 or Class 2 closing appliances, the length of the forecastle to the bulkhead shall be the effective length; where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 per cent of the length of the forecastle of .1L from the forward perpendicular shall be the effective length.

(2) Where the sheer forward is half the standard sheer or less, 50 per cent of the length of the forecastle shall be the effective length; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length shall be the effective length.

(3) Fifty per cent of the length of an open extension beyond the bulkhead or beyond .1L from the forward perpendicular shall be the effective length.

61. (1) A trunk or similar structure which does not extend to the sides of the ship shall be regarded as efficient provided that

- (a) the trunk is at least as strong as a superstructure;
- (b) the hatchways are in the trunk deck and comply with the requirements of rules 17 to 24, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;
- (c) a permanent working platform fore and aft fitted with guard rails is provided by the trunk deck or by detached trunks connected to other superstructures by efficient permanent gangways;
- (d) ventilators are protected by the trunk, by watertight covers or by equivalent means;
- (e) open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length; and
- (f) the machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

(2) Where access openings in poop and bridge bulkheads are fitted with Class 1 closing appliances, 100 per cent of the length of an efficient trunk reduced in the ratio of its mean breadth to B (as defined in rule 42) shall be added to the effective length of the superstructures; where the access openings in these bulkheads are not fitted with Class 1 closing appliances, 90 per cent of the length reduced as above shall be added.

(3) Where the height of the trunk is less than the standard height as determined in accordance with rule 48 the addition referred to in subsection (2) shall be reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less

**Canada Shipping Act—continued**

than the height of coamings as required by rule 18, a reduction from the actual height of trunk shall be made corresponding to the difference between the actual height of the coamings and the height required by rule 18.

(4) A bridge structure which is 'set in' shall be regarded as efficient provided that

- (a) the transverse amount of 'set in' on each side of the ship at any point shall not exceed 12 inches inside the full breadth of the ship at that point;
- (b) the longitudinal extent of the 'set in' shall not exceed the midship four-tenths of the length of the ship as defined in rule 41;
- (c) the sides of the modified bridge shall be at least of equivalent strength to the normal bridge side construction and proper provisions shall be made for the maintenance and continuity of the strength of the ship;
- (d) the end bulkheads and closing appliances shall conform to the requirements of these rules; and
- (e) the length of the bridge to be allowed in the assessment of the total length of superstructure shall be the effective length in

b  
B

accordance with rule 59 multiplied by the factor — where b is  
the breadth of the modified superstructure at midships and B is  
the full breadth of the ship as defined in rule 42.

*Effective Length of Enclosed Superstructures with Middle Line Openings*

62. Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing in accordance with rules 17 to 24, the effective length of the superstructure is determined as follows:

- (a) where efficient temporary closing appliances are not provided for the middle line deck openings in accordance with rule 54, or the breadth of opening is 80 per cent or more of the breadth ( $B_1$ ) of the superstructure deck at the middle of the opening, the ship shall be regarded as having an open well in way of each opening, and freeing ports shall be provided in way of this well; the effective length of superstructure between openings shall be ascertained by applying rules 57, 59 and 60.
- (b) where efficient temporary closing appliances as defined in rule 54 are provided for middle line deck openings and the breadth of opening is less than  $.8B_1$ , the effective length of superstructure between openings shall be ascertained by applying rules 57, 59 and 60, except that where access openings in 'tween deck bulkheads are closed by Class 2 closing appliances, they shall be regarded as being closed by Class 1 closing appliances; the total effective length shall be obtained by adding to the length thus determined the difference between that length and the length of the ship, modified in the ratio of

$$\frac{B_1 - b}{B_1} \text{ where } b = \text{breadth of deck opening;}$$

$$\frac{B_1 - b}{B_1}$$

where  $\frac{B_1 - b}{B_1}$  is greater than .5 it is taken as .5.

**Canada Shipping Act—continued***Deductions for Superstructures*

63. Where the effective length of superstructures is 1.0L, the deduction from the freeboard shall be 14 inches at 80 feet length of ship, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths shall be obtained by interpolation; where the total effective length of superstructure is less than 1.0L, the deduction shall be a percentage obtained from the following table:

Superstructures	Total effective length of superstructures (E)											Line
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	
All types with forecastle and without detached bridge.	0	5	10	15	23.5	32	46	63	75.3	87.7	100	A
*All types with forecastle and detached bridge.....	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100	B

\*Where the effective length of a detached bridge is less than .2L the percentages are obtained by interpolation between lines B and A.

Where no forecastle is fitted the above percentages are reduced by 5.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

*Sheers*

64. (1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(2) In flush deck ships and in ships with detached superstructures the sheer shall be measured at the freeboard deck.

(3) In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer shall be considered in relation to the equivalent depth amidships determined in accordance with rule 44.

(4) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(5) Where a superstructure is intact or access openings in its enclosing bulkheads are fitted with Class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

65. The ordinates (in inches) of the standard sheer profile are given in the following table, where L is the number of feet in the length of the ship:

Station	Ordinate	Factor
A.P.	.1 L + 10	1
1/6 L from A.P.	.0445 L + 4.45	4
1/3 L from A.P.	.011 L + 1.1	2
Amidships	0	4
1/3 L from F.P.	.022 L + 2.2	2
1/6 L from F.P.	.089 L + 8.9	4
F.P.	.2 L + 20	1

A.P. After end of summer load waterline.

F.P. Fore end of summer load waterline



**Canada Shipping Act—continued**

66. (1) Where the sheer profile differs from the standard, the seven ordinates of each profile shall be multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer.

(2) Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit shall be allowed for the part in excess.

(3) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 per cent of the standard, credit shall be allowed for the part in excess; where the after part is less than 50 per cent of the standard no credit shall be given for the excess sheer forward; where the after sheer is between 50 per cent and 75 per cent of the standard, an intermediate allowance may be granted for excess sheer forward.

67. The correction for variations from the standard sheer shall be the deficiency or excess of sheer determined in accordance with rule 66, mul-

tiplied by  $\cdot 75 - \frac{S}{2L}$ , where S is the total length of superstructure, as

defined in rule 49.

68. Where the sheer is less than the standard, the correction for deficiency in sheer, determined in accordance with rule 67, shall be added to the freeboard.

69. In flush deck ships and in ships where an enclosed superstructure covers .1L before and .1L abaft amidships, the correction for excess of sheer, determined in accordance with rule 67, shall be deducted from the freeboard; in ships with detached superstructures where no enclosed superstructure covers amidships, no deduction shall be made from the freeboard; where an enclosed superstructure covers less than .1L before and .1L abaft amidships, the deduction shall be obtained by interpolation; the maximum deduction for excess sheer shall be  $1\frac{1}{2}$  inches at 100 feet length of ship and shall increase at the rate of  $1\frac{1}{2}$  inches for each additional 100 feet in the length of the ship.

*Round of Beam*

70. The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the ship.

71. Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard shall be decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures; twice the standard round of beam is the maximum for which allowance may be given.

*Minimum Freeboards*

72. The minimum freeboard in Summer shall be the freeboard derived from the table set out in rule 77, after correction for departures from the standards and after deduction for superstructures in accordance with these rules, so however that if the freeboard, calculated in accordance with these rules but before the correction required by Note (v) appended to the table is made, be less than 2 inches, 2 inches shall be substituted therefor.



**Canada Shipping Act—continued**

73. The minimum freeboard in the Tropical Zone shall be the freeboard obtained by a deduction from the Summer freeboard of  $\frac{1}{4}$  inch per foot of Summer draught measured from the top of the keel to the centre of the load line disc, so however that if the freeboard, calculated in accordance with these rules but before the correction required by Note (v) appended to the table set out in rule 77 is made, be less than 2 inches, 2 inches shall be substituted therefor.

74. The minimum freeboard in Winter shall be the freeboard obtained by an addition to the Summer freeboard of  $\frac{1}{4}$  inch per foot of Summer draught, measured from the top of the keel to the centre of the load line disc.

75. The minimum Winter North Atlantic freeboard for steamships not exceeding 330 feet in length shall be the Winter freeboard plus 2 inches; for steamships over 330 feet in length the minimum Winter North Atlantic freeboard shall be the Winter freeboard.

76. (1) The minimum freeboard in fresh water of unit density shall be the freeboard obtained by deducting from the minimum freeboard in

$\Delta$   
salt water  $\frac{\Delta}{40T}$  inches, where

$\Delta$  = displacement in salt water in tons of 2,240 pounds each at the Summer load waterline, and

T = tons of 2,240 pounds each per inch immersion in salt water at the Summer load waterline.

(2) Where the displacement at the Summer load waterline cannot be certified, the deduction shall be  $\frac{1}{4}$  inch per foot of Summer draught measured from the top of the keel to the centre of the disc.

77. The basic minimum Summer freeboards for steamships are as follows:

L	Freeboard	L	Freeboard	L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches	Feet	Inches	Feet	Inches
80	8.0	250	32.3	420	77.8	590	127.0
90	9.0	260	34.4	430	80.9	600	129.5
100	10.0	270	36.5	440	84.0	610	132.0
110	11.0	280	38.7	450	87.1	620	134.4
120	12.0	290	41.0	460	90.2	630	136.8
130	13.0	300	43.4	470	93.3	640	109.1
140	14.2	310	45.9	480	96.3	650	141.4
150	15.5	320	48.4	490	99.3	660	143.7
160	16.9	330	51.0	500	102.3	670	145.9
170	18.3	340	53.7	510	105.2	680	148.1
180	19.8	350	56.5	520	108.1	690	150.2
190	21.4	360	59.4	530	110.9	700	152.3
200	23.1	370	62.4	540	113.7	710	154.4
210	24.8	380	65.4	550	116.4	720	156.4
220	26.6	390	68.4	560	119.1	730	158.5
230	28.5	400	71.5	570	121.8	740	160.5
240	30.3	410	74.6	580	124.4	750	162.5

- (i) The minimum freeboards for flush deck steamships shall be obtained by an addition to the above table at the rate of  $1\frac{1}{2}$  inches for every 100 feet of length.
- (ii) The freeboards at intermediate lengths shall be obtained by interpolation.

**Canada Shipping Act—continued**

- (iii) Where  $c$  exceeds  $\cdot 68$ , the freeboard shall be multiplied by the factor  $\frac{c + \cdot 68}{1 \cdot 36}$ .

- (iv) Where  $D$  exceeds  $\frac{L}{15}$  the freeboard shall be increased by  $\left(D - \frac{L}{15}\right)R$

inches, where  $R$  is  $\frac{L}{130}$  at lengths less than 390 feet, and 3 at 390 feet length and above.

In a ship with an enclosed superstructure covering at least  $\cdot 6L$  amidships, or with a complete trunk, or with a combination of intact partial superstructures and trunk which extends all fore and

aft, where  $D$  is less than  $\frac{L}{15}$  the freeboard shall be reduced at the above rate.

Where the height of superstructures or trunk is less than the standard height, as determined in accordance with rule 48, the reduction shall be modified in the ratio which the actual height bears to the standard height.

- (v) Where the actual depth to the surface of the freeboard deck amidships is greater or less than  $D$ , the difference between these two depths (in inches) shall be added to or deducted from the freeboard as the case may be.

**Part VII**

*Computation of Freeboard for Sailing Ships*

78. Subject to the provisions of paragraph (c) of subsection (2) of section 431 of the Act and to the provisions of rules 39 and 79 to 85, freeboards for sailing ships shall be computed from the freeboard table for sailing ships contained in rule 84 in the same manner as the freeboards for steamships are computed from the freeboard table for steamships contained in rule 77.

79. (1) In sailing ships having a greater rate of rise of floor than  $1\frac{1}{2}$  inches per foot, the vertical distance from the top of keel referred to in rule 43 shall be reduced by half the difference between the total rise of floor at the half-breadth of the ship and the total rise at  $1\frac{1}{2}$  inches per foot;  $2\frac{1}{2}$  inches per foot of half-breadth is the maximum rate of rise for which a deduction may be made.

(2) Where the form at the lower part of the midship section is of a hollow character or thick garboards are fitted, the depth shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(3) The depth used with the freeboard table shall be taken as not less than  $\frac{L}{12}$ .

**Canada Shipping Act—continued**

80. The coefficient of fineness (c) used with the freeboard table contained in rule 84 shall be taken as not less than .62 and not greater than .72.

81. In wood ships the Assigning Authority shall be satisfied as to the efficiency of the construction and closing arrangements of superstructures for which deductions are made from the freeboard.

82. Where the effective length of superstructure is 1.0L, the deduction from the freeboard shall be 3 inches at 80 feet of ship, and 28 inches at 330 feet length and above; deductions at intermediate lengths shall be obtained by interpolation; where the total effective length of superstructures is less than 1.0L, the deduction shall be a percentage obtained from the following table:

Superstructures	Total effective length of superstructures (E)											Line
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	
All types without bridge.....	0	7	13	17	23.5	30	47.5	70	80	90	100	A
*All types with bridge.....	0	7	14.7	22	32	42	56	70	80	90	100	B

\*Where the effective length of bridge is less than .2L, the percentages are obtained by interpolation between lines B and A. Percentages for intermediate lengths of superstructures are obtained by interpolation.

83. (1) No addition to the freeboard shall be required for Winter freeboard, nor shall a deduction be permitted for Tropical freeboard.

(2) An increase in freeboard of 3 inches shall be made for the Winter North Atlantic freeboard.

(3) In computing the Fresh Water freeboard for a wood ship, the draught shall be measured from the lower edge of the rabbet of the keel to the centre of the load line disc.

84. The minimum Summer, Winter and Tropical freeboards for iron and steel flush deck sailing ships are as follows:

L	Freeboard	L	Freeboard	L	Freeboard	L	Freeboard
Feet	Inches	Feet	Inches	Feet	Inches	Feet	Inches
80	9.2	140	21.3	200	35.4	270	53.5
90	11.0	150	23.5	210	37.9	280	56.3
100	12.9	160	25.8	220	40.4	290	59.1
110	14.9	170	28.2	230	42.9	300	61.9
120	17.0	180	30.6	240	45.5	310	64.7
130	19.1	190	33.0	250	48.1	320	67.6
				260	50.8	330	70.5

(i) The freeboards at intermediate lengths shall be obtained by interpolation.

(ii) Where c exceeds .62, the freeboard shall be multiplied by the factor

$$\frac{c + .62}{1.24}$$

**Canada Shipping Act—continued**

(iii) Where  $D$  exceeds  $\frac{L}{12}$  the freeboard shall be increased by

$$\left(D - \frac{L}{12}\right) \times \left(1 + \frac{L}{250}\right) \text{ inches}$$

(iv) Where the actual depth to the surface of the freeboard deck amidships is greater or less than  $D$ , the difference between these two depths (in inches) shall be added to or deducted from the freeboard, as the case may be.

85. The freeboard for a wood sailing ship shall be the minimum freeboard which would be assigned to the ship if it were of iron or steel, with the addition of such amount of freeboard as the Assigning Authority may determine, having regard to the classification, construction, age and condition of the ship.

**Part VIII**

*Freeboards for Steamships Carrying Timber Deck Cargoes*

86. Timber freeboards shall be assigned to a steamship if the steamship, being otherwise entitled to have freeboards assigned to it, complies with this Part to the extent thereby required in the case of that ship.

*Supplementary Conditions of Assignment*

87. The structure of a steamship shall be of sufficient strength for the deeper draught allowed and for the weight of the deck cargo.

88. The steamship shall have a forecastle of at least standard height and at least 7 per cent of the length of the ship and, in addition, a poop or a raised quarter deck with a strong steel hood or deck house fitted aft; provided that a steamship the keel of which was laid before the 1st day of July, 1932, need comply with these provisions only so far as, in the opinion of the Assigning Authority, is reasonable and practicable.

89. Machinery casings on the freeboard deck shall be protected by a superstructure of at least standard height, unless the machinery casings are of sufficient strength and height to permit of the carriage of timber alongside.

90. Double bottom tanks where fitted within the midship half length of the steamship shall have adequate longitudinal subdivision.

91. The steamship shall be fitted either with permanent bulwarks at least 3 feet 3 inches high, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck in way of the beams and provided with necessary freeing ports, or with efficient rails at least 3 feet 3 inches high and of especially strong construction.

92. Steering arrangements shall be effectively protected from damage by cargo and, as far as practicable, shall be accessible; efficient provision shall be made for steering in the event of a breakdown in the main steering arrangements.



**Canada Shipping Act—continued**

93. Eye plates for lashings shall be riveted to the sheer-strake at intervals of not more than 10 feet, the distance from an end bulkhead of a superstructure to the first eye plate being not more than 6 feet 6 inches; additional eye plates may be fitted on the stringer plate.

*Computation of Freeboard*

94. (1) Where the Assigning Authority is satisfied that the steamship is suitable and that the conditions and arrangements are at least equal to the foregoing requirements for the carriage of timber deck cargo, the summer freeboards computed in accordance with the rules and tables in Part VI may be modified, to give special timber freeboards, by substituting the following percentages for those in rule 63:

—	Total effective length of superstructures (E)										
	0	·1L	·2L	·3L	·4L	·5L	·6L	·7L	·8L	·9L	1·0L
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
All types.....	20	30·75	41·5	52·25	63	69·25	75·5	81·5	87·5	93·75	100

(2) The Winter Timber freeboard shall be obtained by adding to the Summer Timber freeboard one-third of an inch per foot of the moulded Summer Timber draught.

(3) The Winter North Atlantic Timber freeboards shall be identical with the Winter North Atlantic freeboards prescribed in rule 75.

(4) The Tropical Timber freeboard shall be obtained by deducting from the Summer Timber freeboard one-quarter of an inch per foot of the moulded Summer Timber draught.

95. In the case of a steamship the keel of which was laid before the 1st day of July, 1932, which does not fully comply with the requirements of rule 88, the Assigning Authority shall make such addition to the freeboard as may be considered reasonable by the Board, having regard to the extent to which the steamship falls short of full compliance with those requirements.

**Part IX***Freeboards for Tankers*

96. Tanker freeboards shall be assigned to a ship, being a tanker, if the ship complies with the conditions of assignment and also complies with this Part to the extent thereby required in the case of that ship.

97. The structure of the ship shall be of sufficient strength for the increased draught corresponding to the freeboard assigned.

98. The ship shall have a forecastle of which the length is not less than 7 per cent of the length of the ship and the height is not less than the standard height; provided that a ship, the keel of which was laid before the 1st day of July, 1932, need comply with these provisions only so far as, in the opinion of the Assigning Authority, is reasonable and practicable.

**Canada Shipping Act—continued**

99. (1) The openings in machinery casings on the freeboard deck shall be fitted with steel doors; the casings shall be protected by an enclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength; the bulkheads at the ends of these structures shall be of the scantlings required for bridge front bulkheads.

(2) All entrances to the structures from the freeboard deck shall be fitted with effective closing appliances and the sills shall be at least 18 inches above the deck; exposed machinery casings on the superstructure deck shall be of substantial construction, and all openings in them shall be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings shall be at least 15 inches above the deck.

(3) Fiddley openings shall be as high above the superstructure deck as is reasonable and practicable and shall have strong steel covers permanently attached in their proper positions; provided that a ship, the keel of which was laid before the 1st day of July, 1932, need comply with the provisions of this Rule only so far as, in the opinion of the Assigning Authority, is reasonable and practicable.

100. An efficiently constructed permanent gangway of sufficient strength for its exposed position shall be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge and, when any of the crew are berthed forward, from the bridge to the forecastle, unless other equivalent means of access are provided to carry out the purpose of the gangway, such as passages below deck.

101. Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space and all other parts used in the necessary work of the ship, shall be available at all times; this rule does not apply to pump rooms if suitable means of access are provided from the freeboard deck, and the access openings are fitted with Class 1 closing appliances.

102. All hatchways on the freeboard deck and on the deck of expansion trunks shall be closed watertight by efficient steel covers.

103. Ventilators to spaces below the freeboard deck shall be of ample strength or shall be protected by superstructures or by equally efficient means.

104. (1) Ships with bulwarks shall have open rails fitted for at least half the length of the exposed portion of the weather deck or such other freeing arrangements as are in the opinion of the Assigning Authority effective for the purpose of freeing the decks of water; the upper edge of the sheerstrake shall be kept as low as practicable, and as a general rule shall not be higher than the upper edge of the gunwale bar.

(2) Where superstructures are connected by trunks, open rails shall be fitted for the whole length of the weather portions of the freeboard deck.

(3) Provided that a ship, the keel of which was laid before the 1st day of July, 1932, need comply with the provisions of this Rule only so far as, in the opinion of the Assigning Authority, is reasonable and practicable.

**Canada Shipping Act—continued***Computation of Freeboard*

105. Where the Assigning Authority is satisfied that the foregoing requirements are fulfilled, freeboards shall be computed in accordance with Part VI, subject to the provisions of rules 106 to 108, and to the substitution of the table set out in rule 109 for the table set out in rule 77; provided, however, that no addition shall be made under Note (i) appended to the table in rule 77 in respect of a flush deck steamship.

106. When the total effective length of superstructure is less than 1.0L, the deduction shall be the percentage of the deduction for a superstructure of length 1.0L, obtained from the following table:

—	Total effective length of superstructures										
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L
	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
All Types....	0	7	14	21	31	41	52	63	75.3	87.7	100

107. Where the sheer is greater than the standard, the correction for excess sheer as determined under rule 67 shall be deducted from the freeboard for all tankers; rule 69 does not apply except that the maximum deduction for excess sheer shall be  $1\frac{1}{2}$  inches at 100 feet length of ship and shall decrease at the rate of  $1\frac{1}{2}$  inches for each additional 100 feet in the length of the ship.

108. The minimum winter North Atlantic freeboard shall be the winter freeboard plus an addition at the rate of 1 inch per 100 feet in length.

109. (1) The freeboards for tankers are as follows:

L in Feet	Freeboard in Inches	L in Feet	Freeboard in Inches
190	21.5	400	62.5
200	23.1	410	64.9
210	24.7	420	67.4
220	26.3	430	69.9
230	28.0	440	72.5
240	29.7	450	75.1
250	31.5	460	77.7
260	33.3	470	80.2
270	35.2	480	82.7
280	37.1	490	85.1
290	39.1	500	87.5
300	41.1	510	89.8
310	43.1	520	92.1
320	45.1	530	94.3
330	47.1	540	96.5
340	49.2	550	98.6
350	51.3	560	100.7
360	53.5	570	102.7
370	55.7	580	104.6
380	57.9	590	106.5
390	60.2	600	108.4

(2) The freeboards for ships above 600 feet shall be determined by the Board.

110. In the case of any ship the keel of which was laid before the 1st day of July, 1932, which does not fully comply with the requirements of rules 98, 99 and 104, the Assigning Authority shall make such addition to the freeboard as may be considered reasonable by the Board, having regard to the extent to which the ship falls short of full compliance with those requirements.

**Canada Shipping Act—continued**

**Part X**

*Special Steamship Freeboards*

111. (1) In the case of steamships of special type over 300 feet in length possessing constructional features similar to those of a tanker which, in the opinion of the Board, afford extra invulnerability against the sea, a reduction in the freeboard computed for steamships under Part VI may be granted.

(2) The amount of such reduction shall be determined by the Board with reference to the freeboard assigned to tankers, having regard to the extent to which the steamship complies with the conditions of assignment and with the requirements of Part IX and the degree of subdivision provided in the ship, but the freeboard assigned to such a ship shall in no case be less than the freeboard which would be assigned to it if it were a tanker.

**Part XI**

*Application of Load Line Marks*

112. (1) This rule applies to all steamships other than steamships to which rule 114 applies.

(2) Summer Load Line—The maximum depth in salt water to which a steamship to which this rule applies may be loaded while within

(a) the Summer Zone as defined in the first part of Schedule C hereto, and

(b) the areas set out in the first column of the second and third parts of the said Schedule during the periods set out respectively opposite to such areas in the second column of the said second and third parts of the said Schedule

shall be the depth indicated by the Summer load line.

(3) Winter Load Line—Save as is hereinafter provided, the maximum depth in salt water to which a steamship to which this rule applies may be loaded while within the areas set out in the first column of the second part of Schedule C hereto during the periods set out respectively opposite to such areas in the third column of the said second part of the said Schedule shall be the depth indicated by the Winter load line.

Provided that in the case of a steamship required to be marked with a Winter North Atlantic load line under Part III, the maximum depth in salt water to which such steamship may be loaded whilst engaged on a voyage across the North Atlantic Ocean within the areas numbered 1 and 2 in the first column of the said second part of the said Schedule during the periods set out respectively opposite to those areas in the third column of the said second part of the said Schedule shall be the depth indicated by such Winter North Atlantic load line.

(4) Tropical Load Line—The maximum depth in salt water to which a steamship to which this rule applies may be loaded while within

(a) the Tropical Zone as defined in the first part of Schedule C hereto, and

(b) the areas set out in the first column of the third part of Schedule C hereto during the periods respectively set out opposite those areas in the third column of the said third part

shall be the depth indicated by the Tropical load line.



**Canada Shipping Act—continued**

113. The maximum depth in salt water to which a sailing ship may be loaded is the depth indicated by the upper edge of the line which passes through the centre of the disc, except when engaged on a voyage across the North Atlantic Ocean within the areas numbered 1 and 2 in the first column of the second part of Schedule C hereto, during the periods set out respectively opposite to these areas in the third column of the said second part of the said Schedule, in which case it shall be the depth indicated by the Winter North Atlantic load line.

114. (1) This rule applies to all steamships marked with timber load lines in accordance with Part VIII and carrying a deck cargo of timber in compliance with the Timber Cargo Regulations.

(2) Summer Timber Load Line—The maximum depth in salt water to which a steamship to which this rule applies may be loaded while within

- (a) the Summer Zone as defined in the first part of Schedule C hereto, and
- (b) the areas set out in the first column of the second and third parts of the said Schedule during the periods respectively set out opposite to such areas in the second column of the second and third parts of the said Schedule

shall be the depth indicated by the Summer Timber load line.

(3) Winter Timber Load Line—The maximum depth in salt water to which a steamship to which this rule applies, other than a steamship to which paragraph (4) of this rule applies, may be loaded while within the areas set out in the first column of the second part of Schedule C hereto during the periods respectively set out opposite to such areas in the third column of the said second part of the said Schedule, shall be the depth indicated by the Winter Timber load line.

(4) Winter North Atlantic Timber Load Line—The maximum depth in salt water to which a steamship to which this rule applies may be loaded whilst engaged on a voyage across the North Atlantic Ocean within the areas numbered 1 and 2 in the first column of the second part of the said Schedule, during the periods set out respectively opposite to those areas in the third column of the said second part, shall be the depth indicated by the Winter North Atlantic Timber load line.

(5) Tropical Timber Load Line—The maximum depth in salt water to which a steamship to which this rule applies may be loaded while within

- (a) the Tropical Zone as defined in the first part of Schedule C hereto, and
- (b) the areas set out in the first column of the third part of the said Schedule during the periods respectively set opposite those areas in the third column of the said third part,

shall be the depth indicated by the Tropical Timber load line.

115. In the application of rules 112 to 114 to a ship at a port which is to be treated under Schedule C hereto as being on the boundary between two zones, two areas or a zone and an area, the ship shall be deemed to be in the zone or area into which it is about to proceed or from which it has arrived, as the case may be.

Canada Shipping Act—continued

Part XII

General

116. Notwithstanding anything contained in these rules a ship employed in making voyages from one place in Canada to another place in Canada other than on any lakes or rivers, shall be deemed to be an "existing" ship if the keel was laid before the 1st day of July, 1936, and shall be entitled to such exemptions on such conditions as are provided in these rules in respect of a ship the keel of which was laid before the 1st day of July, 1932.

117. The following ships are exempted from the provisions of section 429 of the Act:

- (a) Ships employed in making Home-Trade Voyages, Class IV, as defined in the Regulations respecting the Classification of Home-Trade, Inland and Minor Waters Voyages; and
- (b) Ships employed in making Minor-Waters Voyages on the sea coasts of Canada which, in the opinion of the Board of Steamship Inspection, are comparable to Home-Trade Voyages, Class IV.

118. Towed barges registered in Canada, not carrying passengers, are exempted from the application of these rules when operating between Canadian ports within the limits of the waters hereinafter described:

The waters of Puget Sound; the waters lying between Vancouver Island and the mainland, and east of a line from a point one nautical mile west of the city limits of Port Angeles in the State of Washington to Race Rocks on Vancouver Island, and of a line from Hope Island, British Columbia, to Cape Calvert, Calvert Island, British Columbia; the waters east of a line from Cape Calvert to Duke Point on Duke Island, and the waters north of Duke Island and east of Prince of Wales Island, Baranof Island and Chicagof Island; the waters of Peril, Neva and Olga Straits to Sitka, and the waters east of a line from Port Althorp on Chicagof Island to Cape Spencer, Alaska.

## Canada Shipping Act—continued

## Schedule A

## FEES

Gross Tonnage	Classed Ships			Unclassed Ships		
	1	2	3	4	5	6
	Issue of certificate	Renewal of certificate	Annual survey	Issue of certificate	Renewal of certificate	Annual survey
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Under 500 tons.....	45.00	20.00	20.00	110.00	110.00	20.00
500 tons and under 1,000 tons..	70.00	20.00	20.00	150.00	150.00	20.00
1,000 " 2,000 " ..	90.00	30.00	30.00	220.00	220.00	30.00
2,000 " 3,000 " ..	115.00	35.00	35.00	280.00	280.00	35.00
3,000 " 4,000 " ..	125.00	40.00	40.00	310.00	310.00	40.00
4,000 " 5,000 " ..	135.00	40.00	40.00	340.00	340.00	40.00
5,000 " 6,000 " ..	145.00	40.00	40.00	370.00	370.00	40.00
6,000 " 7,000 " ..	155.00	40.00	40.00	400.00	400.00	40.00
7,000 " 8,000 " ..	165.00	40.00	40.00	430.00	430.00	40.00
8,000 " 9,000 " ..	175.00	40.00	40.00	460.00	460.00	40.00
9,000 " 10,000 " ..	185.00	40.00	40.00	490.00	490.00	40.00
10,000 tons and over.....	185.00	40.00	40.00	490.00	490.00	40.00
				plus \$30.00 for each additional 1,000 tons	plus \$30.00 for each additional 1,000 tons	

For barges, scows and other such vessels towed, which are not subject to inspection under section 391 of the Canada Shipping Act, the fees are as follows:

Gross Tonnage	Issue of Certificate	Renewal of Certificate	Annual Survey
	\$	\$	\$
Under 500 tons.....	60	30	20
500 and under 1,000 tons.....	85	40	20
1,000 and under 1,500 tons.....	100	60	20
1,500 and under 2,000 tons.....	110	75	30
2,000 tons and over.....	\$110 plus \$10 for each 500 tons or part thereof in excess of 2,000 tons.	\$75 plus \$10 for each 500 tons or part thereof in excess of 2,000 tons.	40

## VARIATIONS OF STANDARD FEES

## (1) Annual Survey carried through in one operation:

For every annual survey of any ship over 500 tons (classed or unclassified) which is carried through in one operation there shall be paid

(a) the standard fee, and

(b) in addition, a single fee of \$10 if, for the purposes of the survey, more than one visit is paid to the ship by the surveyor.

**Canada Shipping Act—continued**

(2) Annual Survey not carried through in one operation:

For every annual survey of any ship (classed or unclassified) which is not carried through in one operation there shall be paid

- (a) the standard fee,
- (b) in addition, a fee of \$10 for every partial annual survey, and
- (c) for any ship over 500 tons, in addition, a single fee of \$10 for every partial annual survey in respect of which, for the purposes of the partial annual survey, more than one visit is paid to the ship by the surveyor.

(3) Renewal Survey carried out concurrently with a Special Survey for classification purposes:

In the case of the survey of a classed ship for renewal of the load line certificate, the fee in column 2 shall be paid if the renewal is carried out concurrently with a Special Survey for classification purposes, for which a fee is charged. Otherwise the fee will be 50 per cent of that in column 1.

(4) Issue or Renewal Survey carried out concurrently with the annual inspection required under the provisions of section 391 of the Canada Shipping Act:

Where the survey for the issue or renewal of a load line certificate is carried out by a Steamship Inspector concurrently with the annual inspection required under the provisions of section 391 of the Canada Shipping Act, and the ship is

- (a) a classed ship—no fee will be charged under column 1 or column 2
- (b) an unclassified ship—half the fee under column 4 or column 5 will be charged.

(5) Annual Survey carried out concurrently with the annual inspection required under the provisions of section 391 of the Canada Shipping Act:

Where the annual load line survey is made by a Steamship inspector at the same time as the annual inspection required under the provisions of section 391 of the Canada Shipping Act, no fee will be charged under column 3 or column 6.

(6) Survey where minor alterations have been made to a ship:

Where minor alterations have been made to a ship having a load line certificate in force, which involve an alteration of the freeboard but do not require a full survey, the fee in column 2 shall be paid whether the ship be classed or unclassified.

(7) Partial survey for issue of a short term certificate:

Where for special reasons a partial survey is made and a certificate is issued or renewed for a period not exceeding twelve months, one-half of the standard fee appropriate to a full survey shall be paid.

*Forms*

Schedule B—Forms of Load Line Certificates

- C—Zones and seasonal areas
- D—Coamings, 24 inches in height
- E—Coamings, 18 inches in height

Copies of Schedules B to E may be obtained on application to the Chairman, Board of Steamship Inspection, Department of Transport, Ottawa.



## Canada Shipping Act—continued

## 44. Scale of Fees, Board of Steamship Inspection

P.C. 1954-1930

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 483 of the Canada Shipping Act, is pleased to order as follows:

1. The scale of fees for the inspection of steamships, established by Order in Council P.C. 662 of 3rd February, 1944, as amended, and the scale of fees for the examination of plans of ships and their machinery and equipment, etc., established by Order in Council P.C. 1953-1054 of 2nd July, 1953, are hereby revoked; and

2. The annexed "Scale of Fees, Board of Steamship Inspection" is hereby made and established in substitution for the scales of fees hereby revoked.

## SCALE OF FEES

## BOARD OF STEAMSHIP INSPECTION

## Part I

## ANNUAL AND QUADRENNIAL INSPECTIONS

*Steamships*

1. The fees for the inspection of steamships are as follows:

Gross tonnage	Passenger	Non-passenger
	\$	\$
Under 10 tons.....	5	5
10 tons and under 25 tons.....	10	5
25 tons and under 40 tons.....	15	10
40 tons and under 50 tons.....	20	15
50 tons and under 100 tons.....	30	25
100 tons and under 150 tons.....	35	30
150 tons and under 200 tons.....	40	35
200 tons and under 300 tons.....	50	45
300 tons and under 500 tons.....	65	55
500 tons and under 700 tons.....	90	75
700 tons and under 1,000 tons.....	130	110
1,000 tons and under 3,000 tons.....	160	135
3,000 tons and under 4,000 tons.....	210	185
4,000 tons and under 5,000 tons.....	260	235
5,000 tons and under 6,000 tons.....	310	285
6,000 tons and under 7,000 tons.....	360	335
7,000 tons and under 8,000 tons.....	410	385
8,000 tons and under 9,000 tons.....	460	435
9,000 tons and under 10,000 tons.....	510	485
10,000 tons and over.....	560	535

(Plus \$10 for each additional  
1,000 tons over 10,000 tons.)

**Canada Shipping Act—continued**

*Passenger-carrying barges and scows*

2. For the inspection of barges, scows and like vessels carrying passengers and towed by a steamship or operated on a cable and not moved by sails or oars, the fees are as follows:

- (a) For vessels under 50 tons, gross tonnage ..... \$ 5.00
- (b) For vessels of 50 tons, gross tonnage, and upwards .... 10.00

*Certain Ferries*

3. Notwithstanding the provisions of section 1, the fee for the inspection of self-propelled passenger ferries under 50 tons, gross tonnage, propelled by means of gas or oil engines, which are mainly employed in the carriage of vehicles and have their decks arranged accordingly, is \$5.

*Floating Plant*

4. For the inspection of dredges, rock drills, floating elevators, floating pile drivers, and like vessels, which are not self-propelled, but which, under section 478 of the Canada Shipping Act, are required to have a certificate of inspection, the fee is as set out in section 1, provided that in a case where the tonnage of a vessel would require an inspection fee out of proportion to the amount of inspection work involved, the fee shall be at the discretion of the Chairman of the Board of Steamship Inspection.

*Boilers*

5. For the inspection of boilers as prescribed in section 479 of the Act, when such boilers are not included in the inspection for which a fee is elsewhere provided in this Scale of Fees, the fee is \$10.

*Proportionate Fees*

6. When a ship is inspected at any time within a period of twelve months after the payment of the annual fee required, a twelve months certificate may be issued if the owner pays a fee reckoned at the rate of one-twelfth of the annual fee for each month of thirty days which has elapsed since the last such fee was paid.

*Inspections Outside Canada*

7. When an inspection is made outside Canada the owner of the ship shall pay, in addition to any other fee or charge prescribed by this Part or by the Canada Shipping Act, a fee of ten dollars per day or part thereof.

*Payment of Fees*

8. Fees, in the case of a ship inspected in Canada, shall be paid to a Collector of Customs and, in the case of a ship inspected outside Canada, to the Steamship Inspector who makes the inspection.

**Part II**

MISCELLANEOUS INSPECTIONS AND TESTS

*Inspection During Construction or Manufacture*

9. The fees for inspection by a Steamship Inspector during construction or manufacture are as follows:

- (a) Ships under construction ..... \$25.00
- (b) Boilers, main and auxiliary, including boilers fitted for power purposes, each ..... 25.00

**Canada Shipping Act—continued**

(c) Heating boilers, each .....	10.00
(d) Engines:	
—in excess of 4 nominal horse power, each .....	25.00
—not in excess of 4 nominal horse power, each .....	10.00
(e) Lifeboats—oar propelled .....	5 00
—mechanically propelled .....	10 00
(f) Life rafts and buoyant apparatus, each .....	2 50
* (g) Buoyancy tanks for life saving appliances, where not manufactured by builder of appliances, each .....	0 25
* (h) Lifebuoys, each .....	0 25
* (i) Lifejackets, each .....	0 05

\*A minimum charge of \$1.00 will be made for each visit of the inspector.

*Parts and Materials*

10. The fees for the inspection and testing of plates and shapes, shafting, castings and other material entering into the construction of hulls and machinery, not provided for in section 9, are as follows:

(a) For each visit, minimum charge .....	\$ 5 00
(b) When more than three tests are made, each additional test .....	1 00

*Inspection During Installation*

11. The fees for inspection, during installation, of machinery and other fittings or equipment built outside of Canada and not inspected during construction by a Steamship Inspector are as follows:

(a) Boilers, main and auxiliary, including boilers fitted for power purposes, each .....	\$ 25 00
(b) Heating boilers .....	10 00
(c) Engines:	
—in excess of 4 nominal horse power, each .....	25 00
—not in excess of 4 nominal horse power, each .....	10 00
(d) Partial inspections of parts of machinery not provided for in items (a) to (c), each visit of the inspector .....	5 00

12. The fees for first inspection of existing ships are:

(a) Hull .....	\$ 25 00
(b) Boilers, main and auxiliary, including boilers fitted for power purposes, each .....	25 00
(c) Heating boilers .....	10 00
(d) Engines:	
—in excess of 4 nominal horse power, each .....	25 00
—not in excess of 4 nominal horse power, each .....	10 00
(e) Partial inspections of parts of the hull, machinery or equipment not provided for in items (a) to (d), each visit of the inspector .....	5 00

*Damage Surveys and Repairs*

13. The fee for any damage survey or inspection of repairs to a hull, machinery or equipment shall be, for each visit of an inspector ....\$ 5 00

**Canada Shipping Act—continued**

*Examination of Plans and Designs*

14. The fees for the examination of plans and designs are as follows:
- |   |          |
|---|----------|
| (a) Construction plans of new steamships:   |          |
| —where the registered length exceeds 100 feet .....   | \$ 25 00 |
| —where the registered length does not exceed 100 feet ..  | 10 00    |
| (b) Boilers, main and auxiliary, including boilers fitted for power purposes .....  | 25 00    |
| (c) Heating boilers .....   | 10 00    |
| (d) Engines .....   | 25 00    |
| (e) Safety valves, boiler fittings, each design in range of sizes   | 10 00    |
| (f) Boiler fittings, each set .....   | 25 00    |
| (g) Lifeboats, each .....   | 15 00    |
| (h) Life rafts and buoyant apparatus, each .....  | 5 00     |
| (i) Lifejackets and lifebuoys, each .....   | 5 00     |
| (j) Parts of hulls, machinery, fuel tanks or shafting not otherwise provided for in this section or repairs and minor alterations to ships, each item ..... | 5 00     |

*General*

15. The fees for inspections, tests or examinations of plans or designs not otherwise provided for in this Part shall be in proportion to the service rendered, at the discretion of the Chairman of the Board of Steamship Inspection.

16. These regulations apply to Canadian ships and to ships registered elsewhere than in Canada.

**45. Public Harbours Regulations**

P.C. 1954-2073

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 604 of the Canada Shipping Act, is pleased to order as follows:

1. The Regulations for the government of Public Harbours in Canada, established by Order in Council P.C. 3080 of 8th July, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Public Harbours and Harbour Masters" are hereby made and established in substitution for the regulations hereby revoked.



**Canada Shipping Act—continued**REGULATIONS RESPECTING PUBLIC HARBOURS  
AND HARBOUR MASTERS*Short Title*

1. These regulations may be cited as the *Public Harbours Regulations*.

*Interpretation*

2. In these regulations,
- (a) "Act" means the *Canada Shipping Act*;
  - (b) "dangerous goods" means dangerous goods within the meaning of the *Dangerous Goods Shipping Regulations*, and includes explosives;
  - (c) "harbour" means a public harbour as defined in the Act;
  - (d) "harbour master" means a harbour master appointed pursuant to Part X of the Act, and includes a deputy harbour master;
  - (e) "miles per hour" means miles per hour over the bottom;
  - (f) "Minister" means the Minister of Transport; and
  - (g) "vessel" includes any ship or boat or any description of vessel used or designed to be used in navigation, but does not include a raft.

*Application*

3. (1) Where a provision of Part I conflicts with a provision of Part II, the provision of Part II prevails.

(2) Sections 4 to 12, subsection (2) of section 13, subsection (4) of section 14, sections 25, 29, 31 and 32, subsection (2) of section 35, subsection (2) of section 39, subsection (2) of section 40, section 41, subsection (2) of section 42, subsection (2) of section 45, section 53, subsection (2) of section 58 and subsection (2) of section 64 do not apply to harbours where there is no harbour master.

**Part I**

## GENERAL REGULATIONS

*Harbour Dues*

4. (1) Subject to the Act and these regulations, the harbour dues payable under section 608 of the Act in respect of a vessel entering a harbour are the following:

- (a) where the vessel comes from any port or place in North America or any British possession in or bordering on the Atlantic Ocean or Caribbean Sea in the western hemisphere,
  - (i) if the vessel is registered, three cents per ton on its register tonnage, with a minimum charge of fifty cents, and
  - (ii) if the vessel is not registered, a charge calculated by computing the area in square feet of a rectangle one side of which is the length and the other side of which is the greatest breadth of the vessel, and by multiplying the result by one quarter of one cent per square foot; and

**Canada Shipping Act—continued**

(b) where the vessel comes from any port or place other than one described in paragraph (a),

(i) if the vessel is registered, five cents per ton on its register tonnage, with a minimum charge of one dollar and fifty cents, and

(ii) if the vessel is not registered, a charge calculated by computing the area in square feet of a rectangle one side of which is the length and the other side of which is the greatest breadth of the vessel, and by multiplying the result by one half of one cent per square foot.

(2) The scale of fees established by subsection (1) does not apply to vessels navigating through the harbours of Amherstburg, Windsor, Sarnia and Sault Ste. Marie without stopping or to any vessel entering the harbour of Goose Bay.

5. Upon receiving any harbour dues under section 4, a harbour master shall complete in triplicate a numbered receipt supplied by the Minister for the purpose, issue the original and duplicate to the person who pays the dues and retain the triplicate.

6. (1) Subject to subsection (2), no vessel shall leave a harbour unless the master, owner or person in charge of the vessel has supplied the duplicate receipt mentioned in section 5 to the nearest customs officer and received a clearance from him.

(2) Where no customs officer is available at the harbour or, in the opinion of the harbour master, at a reasonable distance from the harbour, the harbour master may, on being presented with a duplicate receipt mentioned in section 5 by the master, owner or person in charge of a vessel, issue a permit to leave the harbour in a form prescribed by the Minister, and thereupon the vessel may leave the harbour.

*Entry into Harbour*

7. Except as provided by section 8, subsection (1) of section 9 and subsection (1) of section 10, no vessel shall take any position in a harbour unless assigned thereto by the harbour master.

8. Unless it is navigating through the harbour without stopping, a vessel that has not been assigned a berth in a harbour shall, on entering the harbour, anchor temporarily in a safe place and the person in charge thereof shall forthwith report to the harbour master.

9. (1) Unless it is navigating through the harbour without stopping, a vessel that is hauling or towing floating property that has not been assigned a berth in a harbour shall, on entering the harbour, anchor temporarily in a safe place, leaving the property in tow attached to the vessel by the tow line, and such tow line shall be shortened to bring the property within twenty feet of the stern of the vessel.

(2) The person in charge of a vessel that is hauling or towing any floating property into a harbour shall, forthwith after the vessel has been anchored in accordance with subsection (1), make a written report dated and signed by him to the harbour master specifying the name of the vessel, the nature of the floating property and the names of the consignee and consignor, and if the floating property is logs, the approximate number thereof.

**Canada Shipping Act—continued**

(3) The owner or person in charge of any logs in a harbour shall furnish in writing to the harbour master when requested any information respecting the logs that the harbour master may require.

10. (1) With the consent of the owner of a private wharf, a vessel may proceed directly to such wharf without complying with section 8.

(2) No harbour master shall assign a berth at a privately owned wharf or pier except with the permission or request in writing of the owner of the wharf or pier.

11. (1) The harbour master may direct what position a vessel or floating property shall occupy in a harbour and the place at, the manner in which and the time when it shall be moored, loaded or unloaded.

(2) Unless the harbour master otherwise directs, immediately after the harbour master assigns a position to a vessel or floating property, the vessel shall proceed or the floating property shall be taken thereto.

12. (1) A harbour master may order the removal within a time fixed by him of any vessel or any floating property from any location to any other location in the harbour or the alteration of its position in any manner he deems advisable.

(2) Where the person in charge of a vessel or property in respect of which an order has been made under subsection (1) fails, within the time fixed by the harbour master, to obey such order, the harbour master may cause the vessel or property to be removed at the expense of the owner.

13. (1) Except as permitted by the Minister in writing, no vessel shall be left or abandoned in a harbour.

(2) The harbour master shall if possible obtain and enter in a register the name and address of the owner of any vessel that he suspects is left abandoned in the harbour and the name and the address of the person who was last in charge of the vessel within ten days of the time he first suspected the vessel was left or abandoned and report the same to the Minister.

(3) The Minister may have a vessel that has been left or abandoned in a harbour removed at the owner's expense.

*Safety*

14. (1) No person shall, in a harbour,

(a) encumber the water or shore,

(b) endanger or unduly obstruct navigation,

(c) drain, discharge or deposit in the water or on the shore any thing that might damage vessels or property, cause a nuisance or endanger persons or property, or

(d) allow any thing in his possession or control to do anything mentioned in paragraphs (a) to (c).

(2) Whenever anything mentioned in subsection (1) is done on, from or by means of a vessel, the person in charge and the owner of the vessel shall, in addition to any person doing the thing, be deemed to have done that thing.

**Canada Shipping Act—continued**

(3) Where an inflammable or dangerous substance is drained, discharged or deposited in a harbour from any work, land or premises, the person in charge and the owner of the work, land or premises shall, in addition to any person committing that act, be deemed to have committed that act.

(4) Any person in charge of a vessel who knows that a violation of subsection (1) has been committed by a person on board the vessel shall as soon as possible report the violation to the harbour master.

15. No vessel shall, in a harbour,

- (a) encumber the channels or the berths at the wharves,
- (b) obstruct or impede the navigation or safe docking or undocking of other vessels, or
- (c) navigate in a manner that is dangerous to persons or property.

16. (1) No vessel passing a tow, floating works, works under construction or another vessel in a harbour shall navigate at a speed exceeding ten miles per hour.

(2) No vessel shall navigate within one thousand feet of the shore in a harbour at a speed exceeding eight miles per hour.

17. A vessel lying at a wharf in a harbour shall from sunset to sunrise exhibit a white light at each end of the vessel at a height not exceeding six feet above the deck.

18. No fire on board a vessel in a harbour shall be left unwatched.

19. Where a fire occurs in a harbour

- (a) at a dock where a vessel is moored, or
- (b) on board a vessel that is not under way,

the vessel shall give five blasts of from four to six seconds' duration each as an alarm to indicate the fire, and repeat this alarm at reasonable intervals until adequate help arrives, and also give warning of the fire by any other reasonable means available.

20. Notwithstanding section 14, the Minister or the harbour master may in writing set apart places where and the terms and conditions upon which persons may deposit ballast in a harbour.

21. Any vessel that is loading or discharging cargo in a harbour shall have a sufficient canvas or tarpaulin or other protection so placed as to prevent any portion of the cargo from falling into the harbour.

22. No person shall sound a whistle, horn or any other such device in a harbour except pursuant to some Act or regulation of the Parliament of Canada.

23. No vessel in a harbour shall lie front of a ferry landing or use any rope, chain or shorefast extending over or across a ferry landing or the entrance thereto, or in any way obstruct the track of a ferry.

24. No vessel shall have a tow line, hawser or any other thing made fast to a wharf or shore in a harbour in a manner that unduly obstructs navigation.

25. Except as permitted by the harbour master, no floating property shall be left unattended in a harbour.



**Canada Shipping Act—continued**

26. Every hawser or cable by which a vessel is made fast to a wharf or shore in a harbour shall be equipped with a device that prevents rats from leaving the vessel.

27. No motor boat shall navigate in a harbour unless the sound from its motor is muffled by an effective muffler.

28. Except as permitted by the Minister in writing, no person shall remove stone, sand or gravel or any other material from the bed or fore-shore of a harbour.

29. (1) No person shall hinder, oppose, molest or obstruct a harbour master or any of his assistants in the discharge of their duties.

(2) No person shall fail to obey an order or direction of a harbour master under these regulations.

*Dangerous Goods*

30. No vessel that has dangerous goods on board shall moor or anchor in a harbour except at a place set aside for the purpose by the Minister.

31. Except as permitted by the harbour master, no person shall handle dangerous goods in a harbour.

32. The person in charge of a vessel that has dangerous goods on board shall, before or immediately upon arriving in a harbour, report in writing to the harbour master the kind, quantity and destination of such dangerous goods.

33. A vessel in a harbour that has dangerous goods on board shall be ready at all times to get underway under its own power or have a tug suitable for the purpose standing by.

34. Every vessel entering a harbour with dangerous goods for unloading therein shall unload them as quickly as possible.

35. (1) Every vessel in a harbour upon which dangerous goods are to be loaded for transmission out of the harbour shall be loaded as quickly as possible and shall depart from the harbour as quickly as possible.

(2) Where a vessel described in subsection (1) is delayed in loading or departing, the person in charge of the vessel shall report immediately to the harbour master the reason for and probable duration of the delay.

36. No dangerous goods shall be loaded on or unloaded from a vessel in a harbour except under the supervision and continuous presence of an officer of the vessel.

37. No person shall handle dangerous goods in a harbour unless such person is competent to handle such goods and is under the supervision and continuous presence of a person who is competent to direct the operation.

38. No vessel that is loading, unloading or has on board dangerous goods in a harbour shall engage in any operation that might cause explosion or fire or in any other manner endanger persons or property.

39. (1) No person shall place dangerous goods intended for shipment by vessel anywhere in a harbour until the vessel is ready to take them on board.

(2) Where dangerous goods are brought in a harbour, notice thereof shall be given to the harbour master.

**Canada Shipping Act—continued**

40. (1) The owner or person in charge of a vessel from which dangerous goods are unloaded in a harbour shall see that the goods are removed from the harbour as quickly as possible.

(2) Where there is any delay in removing from a harbour dangerous goods unloaded from a vessel, the person responsible for effecting the removal shall report immediately to the harbour master the reason for and probable duration of the delay.

41. The harbour master may, at the risk and expense of the person in control of dangerous goods that have been brought in the harbour otherwise than in conformity with section 39 or have not been removed in accordance with section 40, remove, destroy or otherwise dispose of such dangerous goods.

42. (1) A person who has the control of dangerous goods in a harbour shall have them constantly guarded.

(2) Where in the opinion of the harbour master dangerous goods in a harbour are not adequately guarded, he may, at the risk and expense of the person who has the control of such goods, have such goods guarded.

43. A person who handles dangerous goods in a harbour shall segregate them as to kind and so segregate them from other goods as to minimize danger to life and property.

44. No person shall leave dangerous goods in the open in a harbour unless they are completely covered with tarpaulins or other suitable material and marked with warning signs that are visible from all directions.

45. (1) A person in control of defective or damaged dangerous goods or of dangerous goods that have escaped or spilt from their containers shall immediately render them harmless.

(2) Where a person in control of dangerous goods described in subsection (1) fails to render them harmless, the harbour master may, at the risk and expense of that person, remove, destroy or otherwise dispose of such dangerous goods.

46. Every person who has dangerous goods handled in a harbour shall supply safe and sufficient equipment to do so and see that such equipment is maintained and used in a manner that will conduce to safety.

47. No person shall light or maintain a fire that might cause dangerous goods in a harbour to explode or ignite.

48. A person who has dangerous goods handled in a harbour shall provide adequate fire extinguishing equipment and shall have that equipment ready for use when such goods are handled.

49. No person, when in or upon any place containing dangerous goods in a harbour shall smoke or have in his possession any lighted match or other lighted fire-producing device.

50. Every vessel in a harbour that is loading, unloading or has on board dangerous goods shall display "No Smoking" signs in prominent positions.

51. No person shall, in a harbour, be present at any place containing dangerous goods or on any vessel loading, unloading or that has on board dangerous goods except a person having business at such place or with anyone on the vessel.

**Canada Shipping Act—continued**

52. No person in a harbour shall handle dangerous goods roughly or carelessly or while under the influence of intoxicants, or do or omit to do anything that might damage the dangerous goods or cause explosion or fire in the harbour or in any other manner endanger persons or property.

53. The harbour master may, in addition to the requirements of these regulations, give such orders and directions respecting the handling of dangerous goods and the precautions to be taken in the vicinity thereof as he deems expedient in the interests of safety.

*Explosives*

54. No vessel that has explosives on board shall navigate in a harbour unless there is a clear visibility of at least one mile.

55. Every vessel that loads, unloads or has on board explosives in a harbour shall display,

- (a) from sunrise to sunset, flag "B" of the International Code of Signals, and
- (b) from sunset to sunrise, a red light visible from all directions.

56. No vessel shall move at a speed exceeding six miles per hour when passing any vessel that is moored or anchored and displaying a signal mentioned in section 55.

57. Every vessel that has explosives on board in a harbour shall have at all times a sufficient crew to navigate the vessel.

58. (1) A watch shall be maintained at all times on every vessel that has explosives on board in a harbour.

(2) Where any danger, accident, disturbance or fire occurs in or near a vessel that has explosives on board, the watch mentioned in subsection (1) shall notify the harbour master.

59. Every vessel that has explosives on board shall have at its bow and stern when it is moored or anchored in a harbour, a suitable tow line of steel wire that is securely fastened on deck by one end and hanging over the off-shore side of the vessel so that the other end, which shall be equipped with an eye, is suspended at a point not more than four feet from the water's surface.

60. The hatches of a vessel in a harbour that has explosives on board shall be kept closed and covered with tarpaulins securely battened when they are not in use.

61. Any lighter, barge, scow or other such vessel that has explosives on board in a harbour shall not be moved except by a tug, and such tug shall remain alongside such vessel as long as there are explosives on board.

62. No vessel whose sole or partial means of propulsion is a gasoline engine shall have explosives on board in a harbour.

63. (1) No person shall use an artificial light in a harbour where explosives are being handled at a distance from the explosives that is likely to be dangerous.

(2) Nothing in subsection (1) shall be deemed to prohibit the use of flash-lights of a non-spark type or of electric lights that are in good condition, adequately protected by metal guards against breakage and the wires of which are sound.

**Canada Shipping Act—continued**

64. (1) No person in or upon a place containing explosives in a harbour shall have in his possession any match or other fire-producing device or have in his possession any article or substance that is likely to cause explosion or fire.

(2) The harbour master may search any person in or upon a place containing explosives to see if he has anything mentioned in subsection (1) and may take possession of any such thing and keep it until the person from whom he took it has left the place.

*Offences and Penalties*

65. Where any thing is done or omitted by, by means of or in relation to a vessel, contrary to these regulations, the owner or the person in charge of the vessel is liable to the fine prescribed by section 66.

66. A person who violates any provision of these regulations is liable to a fine not exceeding one thousand dollars.

**Part II**

**SPECIAL REGULATIONS**

*Bridgewater, Nova Scotia*

67. Every person engaged in lumbering or rafting logs at the harbour of Bridgewater shall have his buoys, piers and booms so placed and arranged as to leave at all times a clear passage in the main channel of the harbour of at least two hundred feet for ships and vessels to navigate.

*Lunenburg, Nova Scotia*

68. (1) Except as permitted by the harbour master, no vessel shall swing at anchor nearer than five hundred feet of a wharf in the harbour of Lunenburg, except when necessary

- (a) in coming to or leaving a wharf, or
- (b) in removing from one wharf to another.

(2) No vessel that is laid up on the western side of the harbour of Lunenburg shall be so anchored as to swing

- (a) to the north of a line from the small island marked "Stages" on the insert of Canadian Hydrographic Chart No. 4328 of Lunenburg Harbour to the black can buoy at the entrance to the channel leading to Lunenburg Foundry, or
- (b) east of a line from the can buoy described in paragraph (a) to a black can buoy marking Moreau Point rock (Kaulbeck Head rock).

(3) No vessel that is laid up on the eastern side of the harbour of Lunenburg shall be so anchored as to swing to the west of a line from the outer end of Battery Point to the eastern corner of the Acadia Supply Company's wharf, formerly known as Finck's wharf (latitude 44°, 22' 27.8" N. longitude 64°, 18' 29.0" W.).

*Chester, Nova Scotia*

69. No person shall operate a motor vessel at a speed exceeding six miles per hour in that part of the harbour of Chester north and west of



**Canada Shipping Act—continued**

a line joining the southern tip of Nauss Point to the southern tip of Peninsula Point and thence to the southern tip of Gooseberry Island and from the northern tip of Gooseberry Island to the southern tip of Ellagood's point, as shown on Canadian Hydrographic Chart No. 4381.

*Sorel, Quebec*

70. No vessel shall navigate in the harbour of Sorel at a speed exceeding ten miles per hour.

*Amherstburg, Sarnia and Windsor, Ontario*

71. The following rules are applicable to the harbours of Amherstburg, Sarnia and Windsor, Ontario:

1. In these rules, "patrolling vessel" means a vessel operated by a harbour master, the Royal Canadian Mounted Police or the United States Coast Guard.

2. A vessel approaching a tug with a tow moving in the same direction shall not pass such tow unless the vessel gives a signal indicating upon which side it desires to pass, and the tug shall steer clear of the side of the channel indicated and give the passing vessel all possible room.

3. A vessel that is passing dredges, drill scows, or other stationary plants engaged on improvements to the channels shall slacken its speed when given a signal of three distinct blasts.

4. A vessel that is given a signal of three long blasts by a patrolling vessel shall immediately moderate its speed.

5. A vessel that is given a signal of four long blasts by a patrolling vessel shall stop and remain stopped until it is given a signal of one long blast followed by four short blasts by a patrolling vessel.

6. A vessel aground in or near a channel, or a vessel that because of an accident is not under command, shall show from sunset to sunrise, at a height of not less than twenty feet nor more than forty feet above the hull, two lights on a vertical line one above the other and not less than six feet apart and so fixed as to be visible to both up and down bound vessels; the upper of these lights shall be red; if the nature of the accident is such that the channel is closed, the lower of these lights shall also be red; if the nature of the accident is such that vessels can pass in safety, the lower of these lights shall be white; such vessel shall not show the lights required for a vessel at anchor; such vessel shall, if the accident has closed the channel, sound a signal of several short and rapid blasts to any approaching vessel, whereupon the approaching vessel shall stop and repeat this signal to any vessel coming up behind it; if the accident has not rendered passing unsafe, such vessel shall sound a signal of three distinct blasts to any approaching vessel, whereupon the approaching vessel shall answer with the same signal of three distinct blasts and shall reduce its speed and pass with caution; such vessel shall in no case give or answer a passing signal without first giving several short and rapid blasts; the person in charge of the first vessel passing such vessel shall report the place and nature of the accident to the next marine reporting station or patrolling vessel.

7. The harbour masters and members of the Royal Canadian Mounted Police and the United States Coast Guard may enforce

**Canada Shipping Act—continued**

these regulations and direct traffic and in so doing may give such orders as they see fit, and a vessel to whom any such order is given shall immediately obey such order.

8. With a view to facilitating traffic and to avoid disputes as to jurisdiction over traffic in the harbours, the harbour masters may make such arrangements with the United States officers in charge of navigation in the harbours as will avoid any possibility of conflict of authority.

*Amherstburg, Ontario*

72. The following rules are applicable to the harbour of Amherstburg:

1. No vessel of five hundred gross tons or over shall navigate
  - (a) the Livingstone Channel between its junction with the Amherstburg Channel at Ballards Reef and the Bar Point lighted bell buoy at a speed exceeding twelve miles per hour,
  - (b) the Amherstburg Channel between Bar Point Lighted Bell Buoy and the north lighted buoys at Ballards Reef at a speed exceeding ten miles per hour, or
  - (c) the Amherstburg Channel where its width is restricted by improvements in progress at a speed exceeding eight miles per hour.

2. Down bound vessels of one hundred gross tons or over, other than passenger vessels, shall navigate the Livingstone Channel.

3. Down bound passenger vessels and vessels under one hundred gross tons may use either the Livingstone Channel or the Amherstburg Channel.

4. Down bound vessels of more than twenty-one feet draft shall use the channel East of the Detroit River light into Lake Erie.

5. Down bound vessels of twenty-one feet draft or less shall use the channel west of the Detroit River light.

6. Up bound vessels shall enter the Detroit River by the channel East of the Detroit River light and shall use the Amherstburg Channel.

7. Vessels shall not navigate so that there will be more than two abreast at any time in the Detroit River between Fighting Island South light and Bar Point lighted bell buoy.

8. (1) No vessel in the Livingstone Channel between the Upper Entrance light and Bar Point lighted bell buoy shall go nearer than one mile to a vessel preceding it.

(2) In this rule, "vessel" does not include vessels under one hundred gross tons and tugs without tows.

*Sarnia, Ontario*

73. The following rules are applicable to the harbour of Sarnia:

1. Down bound vessels shall navigate the channel on the west side of the St. Clair River from the elevator light at Sarnia to the Port Huron Traffic lighted buoy opposite the mouth of the Black River.

2. Down bound vessels shall navigate the channel west of Stag Island.

3. Down bound vessels shall navigate the channel west of the St. Clair Middle Ground opposite St. Clair, Michigan.

**Canada Shipping Act—continued**

4. Up bound vessels shall navigate the channel east of the St. Clair Middle Ground.

5. Up bound vessels shall navigate the channel east of Stag Island.

6. Up bound vessels shall navigate the channel on the east side of the St. Clair River from the Port Huron Traffic lighted buoy to the elevator light at Sarnia.

7. No down bound vessel of more than five hundred gross tons shall pass another vessel of more than five hundred gross tons

(a) between the first buoy above Fort Gratiot light and the Port Huron Traffic lighted buoy,

(b) between Stag Island Upper light and St. Clair Middle Ground Lower lighted buoy, or

(c) between Walpole Island Upper light and the lower end of the St. Clair Flats Canal.

8. No up bound vessel of more than five hundred gross tons shall pass another vessel of more than five hundred gross tons

(a) between the lower end of the St. Clair Flats Canal and the Walpole Island Upper light.

(b) between Stag Island Shoal light and Stag Island Upper light, or

(c) between the Port Huron Traffic lighted buoy and the first buoy above Fort Gratiot light.

9. No vessel in the St. Clair River in front of the City of Sarnia shall navigate at a speed exceeding nine miles per hour.

10. No vessel of five hundred gross tons or over shall navigate in the St. Clair River at a speed exceeding twelve miles per hour within the following limits:

(a) if the vessel is down bound, from Stag Island Upper Light to St. Clair Middle Ground Lower Lighted Buoy, and from Walpole Island Upper Light to the lower end of the St. Clair Flats Canal, and

(b) if the vessel is up bound, from the lower end of the St. Clair Flats Canal to Russel Island Light.

11. No up bound vessel of five hundred gross tons or over shall, in the St. Clair River, navigate at a speed exceeding eight miles per hour from the St. Clair Middle Ground Lower Lighted Buoy to the Stag Island Upper Light.

*Fort William, Ontario*

74. The following rules are applicable to the harbour of Fort William:

1. No vessel exceeding one hundred gross tons shall navigate in the harbour of Fort William at a speed exceeding four miles per hour.

2. No vessel shall turn under its own power in the immediate vicinity of any bridge crossing the Kaministiquia river, McKellar Channel or the Mission Channel.

3. Subject to rule 4, no vessel exceeding two hundred gross tons shall turn in the harbour of Fort William except at

(a) the turning basins constructed for that purpose at West Fort above the Canadian National Railways bridge,

**Canada Shipping Act—continued**

- (b) the confluence of the Kaministikwia river with Mission Channel,
- (c) the confluence of the Kaministikwia river with McKellar Channel, or
- (d) the Canadian National Railways turning basin near the mouth of Mission Channel.

4. Vessels exceeding two hundred gross tons and not exceeding three hundred and thirty-three feet in length may turn in that part of the Kaministikwia river lying between the bend above the Canadian Pacific Railway elevator "D" and the westerly limit of the Canadian National Railways rail dock and in that part of that river lying between Canadian Pacific Railway slip No. 1 and elevator "C", but no such vessel shall turn in those parts without the use of a tug except as permitted by the harbour master.

*Bull Harbour, British Columbia*

75. No vessel shall navigate in Bull Harbour at a speed exceeding four miles per hour.

*Victoria and Esquimalt, British Columbia*

76. The following rules are applicable to the harbours of Victoria and Esquimalt, British Columbia.

1. No vessel shall anchor in that part of the harbour of Victoria situated between the railway bridge and the shores of James Bay except as a temporary expedient, and the harbour master may order the immediate removal of any vessel so temporarily anchoring.

2. Rule 1 shall not be deemed to prohibit motor boats, sail boats, yachts and other small vessels from mooring in the extreme eastern part of James Bay, but the harbour master may order any such vessel not to moor at such place or direct where and the manner in which it shall be moored.

3. The harbour master may direct the quantity of logs that a person may bring into or store in the harbours of Victoria and Esquimalt at any one time.

4. No person shall tow into the harbours a boom of logs or raft exceeding six hundred feet in length.

5. No tow-boat entering or leaving the harbour of Victoria or Esquimalt towing any vessel or floating property shall use a tow line exceeding one hundred feet in length from the stern of the tow boat to the forward end of the vessel or property in tow.

6. No vessel shall fail to leave a clear channel for navigation at all times in the harbours.

7. Except as permitted by the harbour master, no vessel shall remain at anchor or tied up in the harbours for a period exceeding three months.

8. No motor boat shall navigate Victoria Arm above Point Ellice bridge at a speed exceeding six miles per hour.

9. Every vessel laying up in the Thetis Cove and Plumper Bay and the northern part of the harbour of Esquimalt shall be moored with two anchors in the manner directed by the harbour master.



**Canada Shipping Act—continued**

10. Subject to rules 11 and 12, no vessel shall anchor in that part of the entrance to the harbour of Esquimalt and the approaches to the harbours of Esquimalt and Victoria bounded as follows:

beginning at Albert Head lighthouse, thence  $090^{\circ}$  (T) 39·6 cables, thence  $000^{\circ}$  (T) 14·3 cables to Holland Point, thence following the shore and the Ogden Point breakwater to its westerly end, thence on a straight line to Macaulay Point, thence westerly along the shore to Grant Knoll, thence on a straight line to Yew Point, thence southerly along the shore to a point East (T) of Albert Head lighthouse, as shown on Canadian Hydrographic Chart No. 3413.

11. Notwithstanding rule 10, vessels may anchor within the following area:

beginning at a point  $041^{\circ}$  (T) 10·8 cables from Albert Head lighthouse, thence  $323^{\circ}$  (T) for 2·3 cables thence  $042\frac{1}{2}^{\circ}$  (T) for 9·1 cables, thence  $083^{\circ}$  (T) for 6·15 cables, thence  $189\frac{1}{2}^{\circ}$  (T) for 5·4 cables, thence  $248\frac{1}{2}^{\circ}$  (T) for 10·7 cables to the point of beginning;

by anchoring at the 4 anchorages situated from Albert Head lighthouse as follows:—

Anchorage "A"	$038\frac{1}{2}^{\circ}$ (T)	—14	cables
Anchorage "B"	$037\frac{1}{2}^{\circ}$ (T)	—18·9	cables
Anchorage "C"	$050^{\circ}$ (T)	—18·5	cables
Anchorage "D"	$045^{\circ}$ (T)	—23·1	cables

12. No person shall dump anything within the area described in rule 10 except within the area bounded by the following coordinates:

<i>Latitude</i>	<i>Longitude</i>
(a) 48-24-26 N	123-26-03 W
(b) 45-25-06 N	123-25-53 W
(c) 48-24-54 N	123-24-54 W

and, notwithstanding rule 10, a vessel may anchor within this area during dumping operations.

13. No vessel shall anchor in that portion of the harbour of Esquimalt known as Constance Cove and situated east of a line drawn between Duntze Head and Ashe Head.

14. No vessel in the harbour of Victoria or Esquimalt shall, when nearing a place where submarine works are being operated, constructed, repaired or inspected, navigate at a speed that endangers the works or persons operating, constructing, repairing or inspecting them.

15. Except as permitted by the harbour master, no vessel lying at a wharf or pier in the harbours of Victoria and Esquimalt shall have an anchor out.

16. No vessel shall enter or leave Esquimalt Harbour when the following signals are hoisted from the main signal tower in H.M.C. Dockyard:

- (a) by day, an inverted cone over an upright cone in a vertical line, and
- (b) by night, two red lights in a vertical line, one over the other.

Canada Shipping Act—continued

46. Distressed Seamen Regulations

P.C. 1954-2074

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to section 304 of the Canada Shipping Act, is pleased to order as follows:

1. The Canadian Distressed Seamen Regulations, established by Order in Council P.C. 4451 of 13th September, 1949, as amended, are hereby revoked; and

2. The annexed "Distressed Seamen Regulations" are hereby made and established in substitution for the regulations hereby revoked.

DISTRESSED SEAMEN REGULATIONS

1. These regulations may be cited as the *Distressed Seamen Regulations*.

2. In these regulations:

- (a) "Act" means the Canada Shipping Act;
- (b) "conveyance order" means an order for the conveyance of distressed seamen issued to the master of a British ship;
- (c) "distressed seaman" means a person who is in distress in a place outside Canada, having been shipwrecked, discharged or left behind from a ship on which he was engaged;
- (d) "intermediate port" means a place *en route* from the place where a seaman is first found in distress to the proper return port; and
- (e) "Minister" means the Minister of Transport.

3. A distressed seaman may be granted assistance under these regulations if he is:

- (a) a Canadian; or
- (b) a person, other than a Canadian, who was resident or domiciled in Canada for at least one year before the commencement of the voyage during which he was shipwrecked, discharged or left behind.

4. Notwithstanding anything in these regulations assistance shall not be granted to any person who:

- (a) does not apply for assistance within three months of leaving his last ship;
- (b) was not employed in some capacity on the ship from which he was shipwrecked, discharged or left behind;
- (c) refuses to accept work offered to him when, in the opinion of the proper authority, he is fit for work; or
- (d) is a subject of the country in which, or in a colony of which, he is in distress.

**Canada Shipping Act—continued**

5. Whether a person is in distress shall be decided by the proper authority on the merits of the case.

6. (1) When a distressed seaman applies to a proper authority for assistance the proper authority shall provide him with all necessary relief and maintenance including reasonably adequate lodgings, board, clothing, blankets, medical treatment and medicine.

(2) Clothing provided to officers shall be of the same quality as that provided for seamen.

(3) When assistance to a seaman under this section is continued for more than a month the proper authority shall make a full report of the circumstances to the Minister.

7. (1) When a distressed seaman applies for relief the proper authority shall, if the seaman is physically fit, endeavour to find employment for him, either on a ship or elsewhere.

(2) When employment for a distressed seaman cannot be found within a reasonable time or if such seaman is not physically fit the proper authority, shall, if possible, arrange for his passage on a British ship to a proper return port or an intermediate port; and where passage cannot be found on a British ship the proper authority shall arrange passage by any other reasonable means of conveyance upon the best terms obtainable.

8. When passage is arranged for a distressed seaman on a British ship, otherwise than as a member of the crew, the proper authority shall:

(a) issue to the master of the ship a conveyance order in a form prescribed by the Minister, and

(b) enter on the articles of the ship the name of the distressed seaman and the date he embarks.

9. (1) A proper authority who arranges passage for a distressed seaman to an intermediate port shall notify the proper authority at the intermediate port specifying the name of the proper return port and the means of conveyance to the intermediate port and shall instruct the seaman to report to the proper authority at the intermediate port.

(2) The proper authority at an intermediate port to which a distressed seaman is sent shall take such action in relation to the seaman pursuant to sections 7 and 8 as if the seaman had first applied for assistance at such intermediate port.

10. (1) When passage has been arranged for a distressed seaman on a British ship pursuant to section 7(2) the proper authority at the port where the seaman disembarks shall, on production of the conveyance order and on being satisfied that the seaman has been conveyed in accordance therewith, pay to the master of the ship:

(a) for any master, mate or engineer, whether certificated or not, and for any surgeon, chief steward, chief purser, wireless operator, apprentice, midshipman or cadet,

(i) where superior accommodation and subsistence have been provided, the sum of \$1.50 per day, and

(ii) where superior accommodation and subsistence have not been provided, the sum of \$1.00 per day; and

(b) for any other seaman, the sum of \$1.00 per day.

**Canada Shipping Act—continued**

(2) When passage has been arranged for a distressed seaman pursuant to section 7(2) otherwise than on a British ship and the passage has not been prepaid the proper authority at the place where the seaman disembarks shall pay to the carrier such amount for the passage as has been agreed to by the proper authority at the place of embarkation.

(3) When any distressed seaman has been picked up at sea the proper authority at the port to which he is conveyed shall pay to the master of the vessel that picked up the seaman an amount equal to that prescribed by sub-section (1).

11. (1) A proper authority who arranges passage on a British ship pursuant to section 7(2) for a seaman who is mentally ill may, by a written agreement, undertake to pay to the master of such ship a reasonable amount for care and attendance in addition to the amount prescribed by section 10(1); and such proper authority shall send copies of the agreement to the Minister and to the proper authority at the port where such seaman is to disembark.

(2) The proper authority at the port where a seaman disembarks after passage arranged pursuant to sub-section (1) shall, upon delivery of the original agreement covering care and attendance and being satisfied that it has been complied with, pay to the master of the conveying vessel the amount agreed upon; and such proper authority shall forward to the Minister a notification that payment has been made together with the master's receipt and the original agreement.

12. A proper authority who arranges passage pursuant to section 7(2) for a distressed seaman who has recently suffered from, or is at a place infected with, cholera, plague or yellow fever shall deliver to the master or person in charge of the vessel or conveyance on which the seaman is carried a certificate from a medical doctor stating that the seaman is not a source of infection; and such master or person in charge of a vessel or conveyance shall deliver the certificate to the proper authority at the place where the seaman disembarks.

13. Where a proper authority incurs on behalf of a distressed seaman expenses that are excepted expenses within the meaning of section 306 of the Act such expenses shall be met, as far as possible, from the wages of the seaman.

14. A proper authority may issue to the master of a British ship a conveyance order requiring the conveyance to a proper return port or an intermediate port of a master who is sick or injured and whose case is governed by section 298 of the Act or of a master who is in his charge owing to shipwreck or other cause; and where it is not possible to issue a conveyance order, the proper authority may arrange for the transportation of such master at ordinary passenger rates.

**47. Inspection by Exclusive Surveyor**

REGULATIONS MADE BY THE MINISTER OF TRANSPORT UNDER THE PROVISIONS OF SUBSECTION (3) OF SECTION 394 OF THE CANADA SHIPPING ACT.

The following regulations are hereby made under the provisions of subsection (3) of section 394 of the Canada Shipping Act, for the acceptance of survey or inspection by an exclusive surveyor to one of the classification societies herein approved, when made outside Canada.



**Canada Shipping Act—continued**

1. The following are approved classification societies, Lloyd's Register of Shipping, the Bureau Veritas, and the American Bureau of Shipping.

2. The following conditions shall be complied with:

- (a) Application for acceptance of classification survey in lieu of inspection by a Steamship Inspector shall be made in writing by the owner of a ship, or his duly authorized representative, to the Chairman of the Board of Steamship Inspection, Ottawa.
- (b) Classification survey shall include survey of hull, equipment and machinery, to the extent required by the Board of Steamship Inspection for the issue of an inspection certificate.
- (c) A report in detail, signed by the classification surveyor, showing to the satisfaction of the Steamship Inspector the extent of survey made, with a recommendation as to whether or not the ship is to be retained in class, shall be forwarded to the Steamship Inspector concerned.

3. Attached is the form of certificate to be issued by the Steamship Inspector.

4. These regulations do not apply to Safety Convention ships.

GEORGE C. MARLER,  
*Minister of Transport.*

November 29, 1954.

**INSPECTION CERTIFICATE**

Issued by the  
Department of  
Transport  
Canada

S.I.C. 11

Issued under the provisions of Subsection (3) of Section 394 of the Canada Shipping Act, for a..... steamship, non-passenger, or carrying not more than twelve passengers.

Name of ship	Official number	Gross tonnage	Port of registry

THIS IS TO CERTIFY:

1. That the above-mentioned ship has been duly inspected in accordance with the provisions of the Canada Shipping Act, that the provisions of the said Act, relating to the inspection of steamships, and applicable to

**Canada Shipping Act—continued**

such ship, have been complied with, and that the ship is fit to ply as a ..... steamship, with the number of passengers stated below:

Number of passengers	Number of crew	Total passengers and crew

If any of the space measured for passengers is occupied by cargo, cattle or stores, one passenger is to be deducted from the number stated above for every 12 superficial feet so occupied.

All passengers are to have the use of sufficient promenade space on deck, and no deck passengers are to be carried, in addition to the number of passengers stated above.

**2. That the inspection showed:—**

- (a) (i) that the main boilers may carry a working pressure not in excess of .....pounds per square inch;
- (ii) that the auxiliary boilers may carry a working pressure not in excess of .....pounds per square inch;
- (iii) that the air receivers may carry a working pressure not in excess of .....pounds per square inch.

**(b) That the ship carried:—**

..... boats, capable of accommodating ..... persons  
 ..... lifebuoys  
 ..... lifejackets

This certificate will remain in force until the ..... day of ..... 19.....

Date of issue.....

*Steamship Inspector*

**48. Pilotage By-laws**

Under section 329 of the Canada Shipping Act, (R.S.C., 1952, c. 29), by-laws establishing rates of pilotage dues and regulating the service of pilots have been made by the local Pilotage Authority and confirmed by the Governor in Council for each pilotage district. The Pilotage Authorities are appointed by the Governor in Council under section 325 of the Act, but in a number of districts the Minister of Transport is the Pilotage Authority. A copy of the by-laws of the Pilotage Authority of any pilotage district may be obtained on application to the Secretary, Department of Transport, Ottawa.

**Canada Shipping Act—continued****49. Tariffs of Port Warden's fees**

Section 643 of the Canada Shipping Act, (R.S.C. 1952, c. 29), provides that the Governor in Council may make tariffs of fees for Port Wardens. Tariffs have been made for the wardens at the following ports and copies thereof may be obtained on application, from the Secretary, Department of Transport, Ottawa:

1. Charlottetown, Prince Edward Island, Sydney, Nova Scotia and Parrsboro, Nova Scotia
2. Churchill, Manitoba
3. Dalhousie, New Brunswick
4. Fort William, Ontario
5. Halifax, Nova Scotia
6. Louisbourg, Nova Scotia
7. New Westminster, British Columbia
8. Pictou, Nova Scotia
9. Port Arthur, Ontario
10. Prince Rupert, British Columbia
11. Pugwash, Nova Scotia
12. St. Andrews, New Brunswick
13. Saint John, New Brunswick
14. Sorel, Quebec
15. Three Rivers, Quebec
16. Vancouver, British Columbia
17. Victoria, British Columbia
18. Yarmouth, Nova Scotia

**50. Liquefied Petroleum Gas Regulations**

P.C. 1955-130

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 26th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 410 of the Canada Shipping Act, is pleased to make the annexed "Regulations respecting liquefied petroleum and gas systems for cooking and heating in ships", and they are hereby made and established, effective January 1, 1955, accordingly.

REGULATIONS RESPECTING LIQUEFIED PETROLEUM GAS SYSTEMS  
FOR COOKING AND HEATING IN SHIPS

1. These regulations may be cited as the *Liquefied Petroleum Gas Regulations*.
2. In these regulations,
  - (a) "Act" means the Canada Shipping Act;
  - (b) "Board" means the Board of Steamship Inspection;

**Canada Shipping Act—continued**

- (c) "Chairman" means the Chairman of the Board of Steamship Inspection;
- (d) "Inspector" means a Steamship Inspector appointed under the Act;
- (e) "length" means registered length;
- (f) "liquefied petroleum gas" means any liquefied petroleum gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butanes, (normal butane or isobutane) or the butylenes, and which has a Reid vapor pressure exceeding 40 pounds per square inch absolute at 100 degrees Fahrenheit.

3. (1) No liquefied petroleum gas system of a type other than the vapor withdrawal type shall be installed or used in a ship.

(2) No cylinder that permits gas in liquid form to enter any other part of the gas system shall be used.

4. (1) Subject to subsection (2) no liquefied petroleum gas system shall be installed or used in a passenger ship.

(2) Where a liquefied petroleum gas system has already been installed, or where installation of such a system has been commenced before the 1st day of January, 1955, an Inspector may accept the installation if he is satisfied, after such alterations as he deems necessary have been made, that the degree of safety is reasonably close to the standard prescribed by these regulations.

5. Notwithstanding anything contained in these regulations, the Board may, if satisfied that it can with propriety do so, exempt any ship from full compliance with any of the requirements of these regulations.

6. Liquefied petroleum gas when used on ships shall be effectively odorized by an agent of such character as will indicate positively, by a distinctive odor, the presence of gas down to a concentration in air of not over one-fifth the lower limit of combustibility.

7. All component parts of gas-burning appliances, except the cylinders, shall be tested and approved for liquefied petroleum gas service and shall bear the approval label, seal or mark of the Underwriters Laboratories of Canada, the Underwriters Laboratories Incorporated, the American Gas Association Testing Laboratories, or other recognized testing laboratory.

8. All component parts of the gas system, except cylinders, appliances and low pressure piping, shall be designed to withstand a pressure of 500 pounds per square inch without rupture.

9. Cylinders in which liquefied petroleum gas is stored and handled shall be constructed, tested and marked in accordance with the requirements of the Board of Transport Commissioners for Canada or the Interstate Commerce Commission; the cylinders shall be maintained, periodically retested and marked with the retest date, all in accordance with the requirements of the Board of Transport Commissioners for Canada or the Interstate Commerce Commission; cylinders that are not so marked shall not be used.

10. Relief valves, shut off valves, excess flow valves, and pressure regulators shall be tested and approved by and bear the label, seal or mark of the Underwriters Laboratories of Canada, the Underwriters Laboratories Incorporated, the American Gas Association Testing Laboratories or other recognized testing laboratory.



**Canada Shipping Act—continued**

11. The location and installation of gas-burning appliances, gas cylinders and regulating equipment, together with all piping, shall be in accordance with these regulations and to the satisfaction of the Inspector.

12. Where any doubt exists as to the safety of any part of an installation the matter shall be referred by the Inspector to the Chairman.

*Submission of Plans*

13. (1) In the case of ships more than 80 feet in length, plans in triplicate showing the location and installation of all piping, gas-burning appliances, cylinders, cylinder enclosures and other component parts of the gas system shall be submitted to the Board for approval, and no gas system shall be installed except in accordance with plans approved by the Board.

(2) In the case of ships not more than 80 feet in length, the installation shall be in accordance with these regulations and to the satisfaction of the Inspector.

*Piping*

14. (1) All piping shall be so installed as to provide minimum interior runs with adequate flexibility.

(2) Piping between cylinders and appliances shall be seamless annealed copper tubing or such other tubing as may be approved by the Chairman.

(3) High pressure piping between the cylinders and the regulators shall have a minimum wall thickness of .049 inches; low pressure piping between the regulators and the appliances shall have a minimum wall thickness of .032 inches.

(4) Pipe connections shall be of the flared type or shall be brazed with material having a melting point in excess of 1000° Fahrenheit; the number of connections shall be kept to the minimum.

(5) On completion of installation, the distribution piping shall be tested prior to its connection to the regulator and appliance by an air pressure of not less than 5 pounds per square inch.

(6) After satisfactory completion of the test prescribed in subsection (5) the distribution piping shall be connected to the regulator and appliance and the entire system subjected to the leak test prescribed by subsection (9) of section 19.

(7) The leak tests prescribed by subsection (9) of section 19 shall also be made at each periodic inspection of the ship.

(8) All pipe lines shall be exposed to sight and protected from physical damage as far as is practicable; they shall be securely supported against vibration by soft non-ferrous clips, and where passing through steel decks or bulkheads shall be protected by ferrules of non-abrasive material.

*Valves and Regulators*

15. (1) All valves and regulators embodied in the gas system for the purpose of pressure relief, regulation or control of gas pressure and flow rates shall be securely mounted in a position readily accessible for inspection, maintenance and testing, and shall be adequately protected.

(2) Each cylinder shall have a manually operated screw-down, shut-off valve, fitted with a handwheel, mounted directly on the cylinder outlet.

(3) Each cylinder shall be fitted with a safety relief device approved as to type, size, pressure setting and location, in accordance with the

**Canada Shipping Act—continued**

requirements of the Board of Transport Commissioners for Canada or the Interstate Commerce Commission; such relief device shall be integral with the shut-off valve referred to in subsection (2) and shall be a spring-loaded relief valve with supplementary fusible plug, the latter designed to yield when the cylinder has been emptied of liquid gas by the relief valve under conditions of exposure to excessive heat; in all cases the safety relief valve, the fusible plug and the cylinder valve shall have direct communication with the vapor space of the cylinder.

(4) In addition to the cylinder valve required by subsection (2), a multiple cylinder gas system shall be provided with a manually operated two-way positive shut-off manifold valve; this valve shall be so arranged that the replacement of empty cylinders may be made without shutting down the flow of gas in the system.

(5) A master packless shut-off valve controlling all burners simultaneously shall be installed at the manifold of each gas-burning appliance.

(6) The gas system shall be provided with a regulating device so adjusted as to release gas to the consuming appliance at a pressure not in excess of 18 inches water column, or approximately 10.5 ounces per square inch.

(7) The low pressure side of all regulators shall be protected against excessive pressure by means of a suitable relief valve which shall be integral with the regulator; this relief valve shall be set to discharge at a pressure of not less than twice and not more than three times the delivery pressure.

(8) All reducing regulators shall be fitted with a pressure gauge located on the high pressure side of the regulator.

*Burners*

16. Continuous burning pilot lights and other continuous flame devices are prohibited for use on gas-burning appliances when installed below the weather deck.

*Installations*

17. (1) This section applies to ships more than 80 feet in length.

(2) Cylinders and their regulating and relief equipment shall be located in a substantially constructed and firmly secured metal enclosure located on or above the weather deck level, outside the superstructure and cabins and not within the hull, and access to such enclosure shall be from the weather deck only; the enclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe, both entering the enclosure from above; the ends of ventilator pipes shall be fitted with gauze screens; cylinders, regulating and safety equipment shall be so located that vapor escaping from any cause cannot reach the bilges, machinery space, accommodation or other enclosed space.

(3) Cylinders located within the metal enclosure shall be suitably secured in place and, where possible, shall be mounted in an upright position.

(4) Spare and empty cylinders shall be stored within the metal enclosure, or be properly chocked and secured on the weather deck and protected from the sun or heat by a suitable cover, adequate ventilation being provided.

**Canada Shipping Act—continued**

(5) All relief valves shall discharge into the metal enclosure and shall be vented away from the cylinders, and so far as may be practicable, upward into the atmosphere, but in all cases so as to prevent impingement of the escaping gas onto the cylinders.

(6) Where compartments containing gas-burning appliances are located above the weather deck they shall be ventilated by

- (a) at least two natural air ventilator ducts of at least three inches in diameter, led from the atmosphere, one duct extending to the floor level of the compartment and the other to the overhead of the compartment; or
- (b) mechanical ventilation, if the motor is outside of the compartment and the exhaust ventilating duct.

(7) Where compartments containing gas-burning appliances are located entirely below the weather deck, mechanical or power ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes; the ventilators shall be led from the atmosphere, one extending to the floor level and the other to the overhead of the compartment.

(8) The electrical fittings and equipment installed in compartments, galleys, or other places that contain gas-burning appliances shall be installed in accordance with the electrical rules of Lloyd's Register of Shipping, the recommended practice of the American Institute of Electrical Engineers or the Machinery Construction Regulations.

(9) No electrical connections shall be made within the metal enclosure that houses the cylinders.

18. (1) This section applies to ships not more than 80 feet in length.

(2) Cylinders and their regulating and relief equipment shall be suitably protected from damage and from the sun or heat, and shall be properly secured on or above the weather deck level, outside the superstructure and not within the hull; cylinders and regulating and safety equipment shall be so located that vapor escaping from any cause cannot reach the bilges, machinery space, accommodation or other enclosed space.

(3) The discharge from high and low pressure relief valves shall be led by suitable piping to a safe distance from any opening to the interior of the ship or from any exhaust pipe; the discharge piping shall be suitably protected from the weather.

(4) Discharge pipes from high and low pressure relief valves shall be entirely separate.

(5) Spare and empty cylinders shall be properly chocked and secured on the weather deck and protected from the sun or heat to the satisfaction of the Inspector.

(6) Compartments containing gas-burning appliances shall be efficiently ventilated to the satisfaction of the Inspector.

(7) The electrical fittings in compartments, galleys, and other places that contain gas-burning appliances shall be installed and maintained to the satisfaction of the Inspector.



**Canada Shipping Act—continued**

*Operation of Gas-burning Appliances*

19. (1) Before opening a cylinder valve the outlet of the cylinder shall be connected tightly to the gas system; where a single cylinder only is used, all appliance valves and pilots shall be shut off before the cylinder valve is opened.

(2) Before opening the cylinder valve after connecting it to the gas system, the cylinder shall be securely fastened in place.

(3) When a cylinder is not in use or is exhausted its outlet valve shall be kept closed.

(4) Nothing shall be stored in the metal enclosure referred to in subsection (2) of section 17 except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(5) Valve protecting caps, if provided, shall be firmly in place on all cylinders not attached to the gas system; caps for cylinders in use may remain in the metal enclosure if rigidly fastened thereto.

(6) In a ship more than 80 feet in length the opening to the metal enclosure shall be closed at all times except when access is required to change cylinders or maintain equipment.

(7) The master valve shall be shut when the gas-burning appliance is not in use.

(8) Smoking is prohibited in the vicinity of cylinder storage.

(9) The system shall be tested for leakage as follows: with the appliance burner valves shut, the master shut-off valve open, and with one cylinder valve open, the pressure on the gauge shall be noted; the cylinder valve shall then be shut and the pressure on the gauge should then remain constant for at least ten minutes; if the pressure drops the leakage should be located by application of liquid detergent or soapy water solution at all connections; the tests shall be repeated for each cylinder in a multi-cylinder system; flame shall never be used to test for leaks.

(10) Any presence of gas odor shall be reported immediately to the master of the ship.

20. The operating instructions contained in section 19 shall be framed under glass and posted in a conspicuous place in the vicinity of the gas cylinders and also near the most frequently used gas-burning device where they may be easily read.

21. (1) Subject to subsection (2) the outside of the metal enclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked:

“LIQUEFIED PETROLEUM GAS  
KEEP OPEN FIRES AWAY  
NO SMOKING  
OPERATING INSTRUCTIONS  
LOCATED.....”

(2) In the case of a ship not requiring a metal enclosure for housing cylinders, the markings shall be placed immediately above the gas cylinders.

22. Printed instructions for the proper installation, operation and maintenance of each gas-burning appliance shall be furnished by the manufacturer and posted in the ship.



**Canada Shipping Act—concluded****51. Regulations *re* examination of masters and mates in the mercantile marine for foreign-going certificates of competency**

These regulations were in process of revision on January 1, 1955, but the revision had not been completed in time for this Consolidation. The regulations in effect on January 1, 1955, were those made by Order in Council P.C. 1570 of 13th April 1948, and published in Part II of the *Canada Gazette* page 1301 of 1948.

**52. Regulations respecting the inspection of boilers and machinery of steamships**

These regulations were in process of revision on January 1, 1955, but the revision had not been completed in time for this Consolidation. The regulations in effect on January 1, 1955, were those made by Order in Council P.C. 3111 of 13th July 1948, and published in Part II of the *Canada Gazette* page 2201 of 1948.

**53. Canadian Rules and Regulations relating to the examination of masters and mates of home-trade, inland and minor waters vessels**

These regulations were in process of revision on January 1, 1955, but the revision had not been completed in time for this Consolidation. The regulations in effect on January 1, 1955, were those made by Order in Council P.C. 5663 of 10th December 1948, as amended by P.C. 1953-294 of 26th February 1953, and published in Part II of the *Canada Gazette* pages 34 of 1949 and 161 of 1953.

**CANADA WATER CONSERVATION ASSISTANCE ACT. (1952-53, c. 21)**

No regulations have been made under this statute.

**CANADIAN AND BRITISH INSURANCE COMPANIES ACT.  
(R.S.C., 1952, c. 31)****Regulations determining and defining classes of insurance**

P.C. 1954-665

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 6th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to powers conferred by subsection (2) of section 2 of the Canadian and British Insurance Companies Act and by subsection (2) of section 2 of the Foreign Insurance Companies Act, is pleased to order as follows:

**Canadian and British Insurance Companies Act—continued**

1. The Regulations determining and defining classes of insurance established by Order in Council P.C. 70 of 8th January, 1948, are hereby revoked; and

2. The annexed "Regulations determining and defining Classes of Insurance" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS DETERMINING AND DEFINING CLASSES OF INSURANCE

The following classes of insurance are hereby determined and defined and are deemed to be distinct classes of insurance for the purposes of the Canadian and British Insurance Companies Act and the Foreign Insurance Companies Act and of any certificate of registry granted thereunder.

1. "Accident insurance" includes

- (a) "personal accident insurance", which means insurance against loss or damage caused by bodily injury to or death of the person or persons insured arising out of an accident, or the agreement to pay a certain sum or sums upon the happening of such contingencies,
- (b) "public liability insurance", which means insurance against liability for loss or damage to persons or property, and not being insurance included in or incidental to some other class of insurance defined by or under the Act, and
- (c) "employers' liability insurance", which means insurance against liability for loss or damage to employees caused by bodily injury, disability or death arising out of or in the course of employment.

2. "Aircraft insurance" means insurance against liability for loss or damage to persons or property caused by an aircraft or the use or operation thereof and against loss of, or damage to, an aircraft.

3. "Automobile insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof and against loss of, or damage to, an automobile.

4. "Boiler insurance" includes

- (a) "boiler insurance", which means insurance against liability for loss or damage to persons or property and against damage to property or loss caused by explosion of, rupture of, or accident to steam boilers and pipes, engines and machinery connected therewith or operated thereby, and
- (b) "machinery insurance", which means insurance against liability for loss or damage to persons or property and against damage to property or loss caused by breakdown of machinery.

5. "Credit insurance" means insurance against loss caused by the insolvency or default of a person to whom credit is given, not being insurance included in or incidental to some other class of insurance defined by or under the Act.

6. "Earthquake insurance" means insurance against loss of, or damage to, property caused by an earthquake.

**Canadian and British Insurance Companies Act—continued**

7. "Explosion insurance" means insurance against loss of, or damage to, the property insured caused by explosion, other than explosion of steam boilers and pipes and engines and machinery connected therewith, and includes

- (a) "limited or inherent explosion insurance", which means insurance against loss of, or damage to, the property insured caused by the explosion of dust, gas, or any substance, where such explosion arises out of hazards inherent in the business conducted on the premises, and
- (b) "civil commotion insurance", which means insurance against loss of, or damage to, the property insured caused by bombardment, invasion, insurrection, mutiny, civil war or commotion, riot, act of foreign enemy, hostilities or war-like operations (whether war is declared or not), revolution, rebellion, conspiracy, usurped power or military, naval or air force operations, vandalism or malicious mischief.

8. "Falling aircraft insurance" means insurance against loss of, or damage to, the property insured caused by aircraft or objects falling therefrom.

9. "Fire insurance" means insurance against loss of, or damage to, the property insured caused by fire, lightning or explosion due to ignition.

10. "Forgery insurance" means insurance against loss caused by forgery.

11. "Guarantee insurance" includes

- (a) "fidelity insurance", which means insurance against loss caused by the unfaithful performance of duties by a person in a position of trust, or the guaranteeing of the proper fulfilment of the duties of any office, and
- (b) "surety insurance", which means the guaranteeing of the due performance of any contract or undertaking, or the payment of a penalty or indemnity for any default.

12. "Hail insurance" means insurance against loss of, or damage to, property caused by hail.

13. "Limited hail insurance" means insurance against loss of, or damage to, property other than crops caused by hail.

14. "Impact by vehicles insurance" means insurance against loss of, or damage to, the property insured caused by vehicles or objects falling therefrom.

15. "Inland transportation insurance" means insurance, other than marine insurance, against loss of, or damage to, property while in transit or during delay incidental to transit.

16. "Live stock insurance" means insurance against loss of, or damage to, animals caused by injury, sickness or death.

17. "Marine insurance" means insurance against liability for loss of, or damage to, persons or property and against loss of, or damage to, the property insured during a voyage or marine adventure on sea or inland waterways, or during incidental delay or transit otherwise than by water.



**Canadian and British Insurance Companies Act—concluded**

18. "Personal property insurance" means insurance against loss of, or damage to, movable or personal property.

19. "Plate glass insurance" means insurance against loss of, or damage to, plate or other glass.

20. "Real property insurance" means insurance against loss of, or damage to, real or immovable property and not falling within the definitions of other classes covering property.

21. "Sickness insurance" means insurance against loss caused by illness or disability of the person or persons insured, other than that arising from accident, old age or death.

22. "Sprinkler leakage insurance" means insurance against loss or damage to the property insured from water or other substance, caused by the breakage of or leakage from sprinkler equipment or other fire protection system or pumps, water pipes or plumbing and its fixtures.

23. "Theft insurance" means insurance against loss of, or damage to, property caused by theft, wrongful conversion, burglary, housebreaking or robbery.

24. "Water damage insurance" means insurance, other than sprinkler leakage or weather insurance, against loss of, or damage to, property caused by the escape of water from plumbing or heating equipment of a building or from outside water mains, or by the melting of ice or snow on the roof of a building.

25. "Weather insurance" means insurance, other than hail insurance or windstorm insurance, against loss or damage caused by rain, tempest, flood or other climatic conditions.

26. "Windstorm insurance" means insurance against loss of, or damage to, property caused by windstorm, cyclone or tornado.

**CANADIAN BROADCASTING ACT. (R.S.C., 1952, c. 32)**

**CBC Regulations for sound broadcasting stations**

The following regulations have been made pursuant to section 22 of The Canadian Broadcasting Act, 1936, by the Canadian Broadcasting Corporation at a meeting of the Board of Governors of the Corporation held in Ottawa, May 27 to 29, 1953, in substitution for the CBC Regulations for Broadcasting Stations made by the Board of Governors of the Corporation on October 17, 1949. They came into force on July 1, 1953.

**CBC REGULATIONS FOR SOUND BROADCASTING STATIONS**

*Short Title*

1. These regulations may be cited as the *CBC Regulations for Sound Broadcasting Stations*.



**Canadian Broadcasting Act—continued***Interpretation*

2. In these regulations,

- (a) "Act" means The Canadian Broadcasting Act, 1936;
- (b) "Corporation" means the Canadian Broadcasting Corporation;
- (c) "private station" means any sound broadcasting station in Canada not operated by the Corporation;
- (d) "representative of the Corporation" means the Chairman or the Vice-Chairman of the Corporation or any person authorized by the Chairman or by these regulations to represent the Corporation;
- (e) "reproduce" means to record any broadcast material by any electrical or mechanical means; and
- (f) "station" means any station licensed under The Radio Act, 1938, as a sound broadcasting station.

*Application*

3. These regulations apply to all sound broadcasting stations in Canada and to all matter broadcast by such stations.

*Program logs*

4. (1) Each station shall maintain a program log, in a form acceptable to the Corporation, and shall cause to be entered therein each day the following information:

- (a) the date;
- (b) the call letters, location and frequency of the station;
- (c) the times at which station identification announcements were made;
- (d) the title and brief description of each program broadcast, the name of the sponsor or sponsors if any, the time at which the program began and ended, and a notation whether an announcement was broadcast that the program was reproduced;
- (e) the time and duration of every spot or flash announcement broadcast, and the name of the sponsor or sponsors, if any;
- (f) the name of the speaker on any talks program and the auspices, if any, under which the talk was given;
- (g) the name of any candidate for public office speaking on a political broadcast and his political affiliation if any; and
- (h) the name of anyone speaking on a political broadcast on behalf of any political party or candidate together with the name of the party or candidate on whose behalf the talk was given.

(2) In making entries in the program log, key letters or abbreviations may be used if the explanation of each is given therein.

(3) All times mentioned in the program log shall be local time which shall be clearly identified on the log; for example, "Eastern Standard Time", "Central Daylight Time".

(4) Each station shall forward to the Corporation within seven days of the end of each week a true and accurate copy of its program log for that week.

**Canadian Broadcasting Act—continued**

- (5) Each station shall have available for a period of one year and produce to a representative of the Corporation on request,
- (a) the continuity used for any program or spot or flash announcement broadcast by that station, and
  - (b) the manuscript or reproduction of any broadcast of a talk or speech from that station.

*Broadcasting generally*

5. No station shall broadcast

- (a) anything contrary to law,
- (b) any abusive comment on any race, religion or creed,
- (c) any obscene, indecent or profane language,
- (d) any false or misleading news with the knowledge that it is false or misleading,
- (e) any program on the subject of birth control, or venereal disease, unless such program is presented in a manner and at a time approved by a representative of the Corporation as appropriate to the medium of broadcasting,
- (f) any advertising content in the body of a news broadcast,
- (g) except with the consent in writing of a representative of the Corporation, any appeal for donations or subscriptions in money or kind on behalf of any person or organization other than
  - (i) churches or religious bodies permanently established in Canada and serving the area covered by the station,
  - (ii) recognized charitable institutions or organizations,
  - (iii) universities, or
  - (iv) musical or artistic organizations whose principal aim or object is other than that of monetary gain,
- (h) any program involving a lottery, gift enterprise or similar scheme in which the contestant or competitor pays any sum of money in order to be eligible for a prize,
- (i) any program reconstructing or simulating the direct description of any sport or other event through a description prepared from wired reports or other indirect sources of information until after the conclusion of such event if an actuality broadcast of the event is available in the area; a reconstructed broadcast shall be clearly identified at the beginning and end thereof as having been so prepared, and if it is more than fifteen minutes in length, it shall be clearly identified at the end of each fifteen minutes.

*Political broadcasts*

6. (1) Each station shall allocate time for political broadcasts as fairly as possible among all parties or candidates desiring to purchase or obtain time for such broadcasts.

(2) The identity of the speaker or speakers on any political broadcast and the names of the sponsor or sponsors or the political party, if any, upon whose behalf the broadcast is made shall be announced at the beginning and end thereof, but such announcement may, with the previous consent of a representative of the Corporation, be dispensed with in the case of a political spot or flash announcement.

**Canadian Broadcasting Act—continued**

(3) For the purposes of this regulation, a broadcast in respect of any by-law which is the subject of municipal balloting or any plebiscite or referendum which is the subject of national, provincial or municipal balloting is deemed to be a political broadcast.

*Advertising content*

7. (1) No station shall broadcast any program the advertising content of which exceeds in time the following:

<i>Length of Program</i> (Minutes)	<i>Length of Advertising Message</i> (Minutes and Seconds)	
	<i>Midnight to 6:00 p.m.</i>	<i>6:00 p.m. to Midnight</i>
5	1:15	1:00
10	2:10	2:00
15	3:00	2:30
20	3:30	2:40
25	4:00	2:50
30	4:15	3:00
40	5:00	3:45
45	5:45	4:30
60	7:00	6:00

(2) No station shall broadcast paid spot or flash advertisements that exceed four in number or three minutes in total time during any fifteen minute period, except that a station may, with the previous consent of a representative of the Corporation, arrange for special announcement programs exceeding these limits with a proportionate reduction in paid spot or flash announcements during other periods. This subsection shall not be operative during the period of a major emergency within the area served by the station.

(3) For the purposes of this section the time of a network program is, in all time zones in Canada, the time of the originating point or the Canadian control point.

*Advertising generally*

8. (1) No station shall broadcast any program or spot or flash announcement sponsored by any person for the purpose of promoting the sale or interests of

- (a) any act or thing prohibited by the law of Canada or of the province in which the station is located,
- (b) any insurance corporation not authorized by law to carry on business in Canada,
- (c) any bonds, shares or other securities, except securities of the Government of Canada or of any province, municipality or other public authority, or
- (d) any mining or oil property or any interest in any mining or oil property,

but the broadcasting of a sponsored program of general quotations of market prices, presented without comment, is not by these regulations prohibited.

(2) The Corporation may, by notice in writing to any station, require that station to modify the character of any advertisement broadcast by that station, where, in the opinion of a representative of the Corporation, the advertisement is of an offensive or objectionable nature.

**Canadian Broadcasting Act—continued**

*Spirituuous liquors, beer and wine*

9. No station shall broadcast any program or spot or flash announcement

- (a) advertising directly or indirectly, any spirituous liquor or any beer or wine, or
- (b) sponsored by or on behalf of any person or persons whose principal business is the manufacture or sale of spirituous liquor, beer or wine,

except that in any province where the advertising of beer and wine is permitted, a program of not less than fifteen minutes duration sponsored by a brewery or winery may be broadcast, subject to the following conditions:

- (i) the program shall contain no advertising other than sponsorship announcements,
- (ii) sponsorship announcements may be made only at the beginning and end of the program, but where the program is a program of more than fifteen minutes duration the name of the sponsor may be introduced at intervals of not less than fifteen minutes in program announcements,
- (iii) the form of sponsorship announcements shall be in accordance with the following examples or approved variation thereof,  
 "This program is presented with the compliments of the ABC Brewery", or  
 "This program has been presented with the compliments of the ABC Brewery".
- (iv) no other announcements shall be made or devices used in any such program to advertise directly or indirectly the product of the sponsor,
- (v) the program format, the form of the sponsorship announcements, and the continuity to be used must be approved in advance of the broadcast by a representative of the Corporation.

*Foods and drugs; proprietary or patent medicines*

10. (1) No station shall broadcast any advertisement or testimonial for any article to which the Proprietary or Patent Medicine Act or the Food and Drugs Act applies unless the continuity of the advertisement or testimonial has been approved by the Department of National Health and Welfare and by a representative of the Corporation and bears the registration number assigned by the Corporation.

(2) No station shall broadcast any recommendation for the prevention, treatment or cure of a disease or ailment unless the continuity thereof has been approved by the Department of National Health and Welfare and by a representative of the Corporation and bears the registration number assigned by the Corporation.

(3) Continuities submitted for approval pursuant to this regulation shall be forwarded to the Corporation in triplicate at least two weeks in advance of intended use.

(4) Inspectors of the Food and Drugs Division, Department of National Health and Welfare, are authorized to act as representatives of the Corporation for the purpose of the enforcement of this regulation.



**Canadian Broadcasting Act—concluded***Programs of the Corporation*

11. (1) The periods to be reserved by a private station for the broadcast of programs of the Corporation are such as may be agreed on between the station and the Corporation, or as may be designated by the Corporation by notice in writing to a station.

(2) Any period required by subsection (1) to be reserved for the broadcast of programs of the Corporation shall, except with the consent of a representative of the Corporation, be used exclusively for programs of the Corporation.

*Re-Broadcasting*

12. Except with the consent in writing of a representative of the Corporation, no station shall "pick up" and broadcast any program or portion thereof.

*Reproduced programs*

13. (1) No station shall use a reproduced program, except when its use is merely incidental as for an identification or background, between the hours of 7:30 and 11:00 p.m. except with the previous consent of the Corporation in writing.

(2) Each reproduced program of longer duration than one minute shall be identified by appropriate announcement at the beginning or end of the program, and where a reproduced item of more than one minute in length is used in any program otherwise than merely incidentally as identification or background, it shall be identified as such at the beginning or end of the program or at the time the item is used.

(3) Programs produced by the station and delayed for presentation at a later hour and live network programs delayed because of time zones need not be specially identified.

(4) The identification of any reproduced program or item of longer duration than one minute shall be in language that is clear and in terms that are commonly used or understood; the following examples, or any suitable modification thereof, are suggested;

(a) "This is a recorded program."

(b) "This is/was a delayed broadcast."

(c) "Portions of this program were transcribed."

(d) "Portions of this program were recorded earlier."

(e) "Transcribed."

*Chain broadcasting*

14. (1) Except with the written consent of the Corporation no station shall operate as part of any established chain or network of stations inside or outside Canada.

(2) Except with the consent of a representative of the Corporation no station shall broadcast a program through network connection with another station or other stations inside or outside Canada.

(3) Except with the consent of a representative of the Corporation no station shall broadcast any reproduced program or speech which would have the effect of simulating a network of stations not authorized on behalf of the Corporation.

*Program information*

15. Each station shall furnish upon request of a representative of the Corporation such additional information in connection with its program activities as the Corporation considers necessary for the proper administration of the Act and these regulations.

**CANADIAN CITIZENSHIP ACT. (R.S.C., 1952, c. 33)**

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**1. Canadian Citizenship Regulations**

P.C. 1954-1190

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Citizenship and Immigration and by virtue of the powers conferred by section 34 of the Canadian Citizenship Act, is pleased to order as follows:

1. The Canadian Citizenship Regulations, established by Order in Council P.C. 1953-862 of 26th May, 1953, as amended, and the Regulations concerning Miniature Certificates of Canadian Citizenship established by Order in Council P.C. 1954-424 of 25th March, 1954, are hereby revoked; and

2. The annexed "Canadian Citizenship Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**THE CANADIAN CITIZENSHIP REGULATIONS**

*Interpretation*

1. In these regulations,

- (a) "Act" means the Canadian Citizenship Act;
- (b) "Citizenship officer" means any person nominated as such by the Minister;
- (c) "Minister" means the Minister of Citizenship and Immigration;
- (d) "prescribed" means prescribed by the Minister;
- (e) "Registrar" means the Registrar of Canadian Citizenship or a person authorized by the Minister to act for the Registrar;

and other terms and expressions used in these regulations have the meaning ascribed to them in the Act.

*Declaration of Intention*

2. Any person who is not a Canadian citizen may at any time after having been landed in Canada file a Declaration of Intention in the form prescribed, either

- (a) in the office of the Clerk of the Court for the judicial district in which the declarant resides,
- (b) with the Registrar, at Ottawa, by registered mail or by hand, or
- (c) with a Citizenship Officer.

**Canadian Citizenship Act—continued**

3. The declarant shall make his Declaration of Intention under oath and shall attach to it a true photograph of himself taken within the preceding twelve months,  $2\frac{1}{2}$  inches by  $2\frac{1}{2}$  inches in size.

4. The Clerk of the Court or the Citizenship officer with whom a Declaration of Intention has been filed shall forward such Declaration to the Registrar and the latter shall, in every case, cause a receipt in the form prescribed to be forwarded to every person filing a Declaration of Intention.

*Application for a Certificate of Citizenship by an Alien*

5. (1) Upon acquiring Canadian domicile, any person other than a person whose application is provided for elsewhere in these regulations may make an application in the form prescribed, to the Court for a decision establishing that he is qualified and fit to be granted a Certificate of Citizenship.

(2) The Clerk of the Court shall complete the application for citizenship in duplicate, and he shall have the applicant take the affidavit prescribed and sign the application in his presence.

(3) One duplicate of the application shall be posted in accordance with section 27 of the Act and the other duplicate shall be forwarded forthwith to the Registrar.

6. At least ten days before the day fixed for the hearing of the application by the Court, the Clerk of the Court shall notify the applicant by registered mail of the place, date, day and time of the hearing.

7. (1) The Court may adjourn the hearing of an application for citizenship from time to time and may issue commissions and appoint commissioners for the taking of evidence of witnesses unable due to disability, illness or for other sufficient cause, to attend at the hearing, and all costs of such commission shall be borne by the applicant.

(2) If an applicant has moved to another judicial district prior to the date of the hearing, the Clerk of the Court of the judicial district in which the application was filed shall transfer the application and all papers relating thereto to the Court of the judicial district in which the applicant has taken new residence.

8. The Court may accept as evidence of educational qualification a certificate of competence issued by a provincial department of education.

9. The Court shall endorse upon the application its decision whether the applicant for a Certificate of Citizenship is or is not a fit and proper person to be granted such certificate.

10. (1) The Clerk of the Court shall transmit the application endorsed as provided for in section 9, by registered mail, to the Registrar, together with all papers, documents and reports considered by the Court.

(2) Where the applicant fails to appear before the Court on the date fixed in the notice provided in section 6, and fails to satisfy the Court within three months thereof that he was prevented by good and sufficient reason from so appearing, the Clerk of the Court shall return the application annotated accordingly and all papers relating to such application, to the Registrar.

(3) Where within the said period of three months the applicant satisfies the Court that he was prevented from appearing for good and sufficient reason, the Court may fix a subsequent date for the hearing.



**Canadian Citizenship Act—continued**

11. The Minister may direct that an application be referred back to the Court for the determination of any point remaining in doubt or requiring further evidence.

12. (1) When a Certificate of Citizenship has been granted, it shall be sent to the Clerk of the Court who shall thereupon notify the applicant of the date upon which he is to appear before the Court to take the Oath of Allegiance, to make a declaration, in the form prescribed, of renunciation of any foreign nationality and to receive his Certificate of Citizenship.

(2) Where the applicant fails to appear before the Court on the date specified in the notification, and fails to satisfy the Court within three months thereof that he was prevented by good and sufficient reason from so appearing, his Certificate of Citizenship shall be returned to the Registrar by the Clerk of the Court.

(3) Where, within the said period of three months, the applicant satisfies the Court that he was prevented from appearing for good and sufficient reason, the Court may fix a subsequent date for his appearance for the purpose of taking the Oath of Allegiance and making the declaration of renunciation and for receiving his Certificate of Citizenship.

(4) The Minister may, in his discretion, extend the time within which the Oath of Allegiance and the declaration of renunciation may be taken and made.

*Application by a British Subject*

13. A British subject who desires to be granted a Certificate of Citizenship in accordance with subsection (2) of section 10 of the Act may file an application therefor, in the form prescribed, with the Registrar, or he may apply therefor to the Court in accordance with section 5.

14. The Minister may, within thirty days from the date of the receipt of the application referred to in section 13, grant a Certificate of Citizenship or where, in his opinion, there is a doubt whether the applicant possesses the required qualifications, he may, before granting the certificate, refer such application to the Court, and where the application has been so referred, the procedure on such application shall be that set forth in sections 5 to 11 inclusive.

*Application by a Canadian Citizen*

15. (1) A Canadian citizen who desires a Certificate of Citizenship shall file an application therefor, in the form prescribed, with the Registrar.

(2) Unless the Minister directs otherwise, the applicant shall attach a certificate of his birth to his application.

*Application by a Woman who Ceased to be a  
British Subject through Marriage*

16. (1) A woman who ceased to be a British subject through marriage may, in accordance with subsection (3) of section 10 of the Act, make an application in the form prescribed, to the Registrar, to be granted a Certificate of Citizenship.

(2) Unless the Minister otherwise directs, the applicant shall attach a certificate of her birth to the application.



**Canadian Citizenship Act—continued***Application by a Person who was a Natural-Born Canadian Citizen  
or a British Subject of Canadian Origin*

17. (1) A person who was a natural-born Canadian citizen or a British subject as described in subsection (4) of section 10 of the Act, may make an application in the form prescribed, to the Registrar, to be granted a Certificate of Citizenship.

(2) Where the applicant is a national or a citizen of a country other than Canada, he shall file with the Registrar a Declaration in the form prescribed renouncing such nationality or citizenship.

(3) Unless the Minister otherwise directs, the applicant shall attach a certificate of his birth to his application.

*Application for a Certificate of Citizenship for a Minor  
Child of a Person who is a Canadian Citizen other  
than a Natural-Born Canadian Citizen*

18. A person who is a Canadian citizen other than a natural-born Canadian citizen may make an application in the form prescribed, to the Registrar, for a Certificate of Citizenship for any of his minor children in accordance with subsection (5) of section 10 of the Act.

*Application on behalf of or by an Adopted or Legitimized  
Child*

19. An application for the grant of a Certificate of Citizenship to an adopted or legitimized child where such child has been lawfully admitted to Canada for permanent residence in accordance with subsection (2) of section 11 of the Act, shall be made in the form prescribed, to the Registrar.

*Application for the Grant of a Certificate of Citizenship  
to a Minor in any Special Case*

20. An application for the grant of a Certificate of Citizenship to a minor in any special case under subsection (3) of section 11 of the Act shall be made in the form prescribed, to the Registrar.

*Oath of Allegiance and Affidavits*

21. (1) For the purpose of section 31 of the Act, the Oath of Allegiance shall be administered by the presiding judge of the Court, in the form of the Second Schedule to the Act.

(2) The applicant shall sign a certificate in the form prescribed in the presence of the Clerk of the Court, that he has taken the Oath of Allegiance; such certificate shall be attested to by the Clerk of the Court who shall insert the date of the taking of the Oath of Allegiance in the certificate, and shall be forwarded by the Clerk of the Court to the Registrar who shall register the certificate.

22. Subject to section 21, any oath, affidavit, affirmation or statutory declaration required by these regulations, may be taken before the Registrar, a Citizenship officer, or before any Commissioner for taking Oaths, Notary Public or other duly authorized person.

**Canadian Citizenship Act—continued**

23. An oath, affidavit, affirmation or statutory declaration administered, sworn or made in any country other than Canada before any person mentioned in the Schedule A to these regulations, shall, for the purpose of the Act, be as valid and effectual to all intents and purposes as if the oath, affidavit, affirmation or statutory declaration had been administered, sworn, affirmed or made in Canada before a Commissioner for taking Oaths, a Notary Public or other duly authorized person.

*Certified Copies*

24. Where a Certificate of Citizenship or a Certificate of Naturalization is lost or destroyed, an application may be made to the Registrar for a certified copy of such certificate, and upon approval of the application by the Minister, the Registrar shall issue such copy.

*Certificate of Citizenship to a Person whose Name has  
been Legally Changed*

25. Where proof satisfactory to the Minister is made by a person to whom a Certificate of Citizenship or a Certificate of Naturalization has been issued or granted, that such person's name has been changed legally, and an application in the form prescribed is filed by such person with the Registrar, another certificate in the name of such person as legally changed shall, upon surrender of the original certificate, be issued by the Registrar.

*Registration of Birth of Canadian Citizens  
Outside Canada*

26. (1) Registration of a birth of a child outside of Canada, pursuant to section 5 of the Act, shall be made as follows:

- (a) The registration shall be filed by the father, the mother, or the legal guardian of the child;
- (b) The application shall be in the form prescribed and shall be filed in duplicate in the office of a Canadian Ambassador, Minister, High Commissioner, General Consul, Consul or Vice-Consul, Trade Commissioner or officer of the Department of Citizenship and Immigration in the country in which the birth took place and in which an official register of birth is maintained;
- (c) The Government of Canada office in which the application is filed shall retain and index one duplicate, and shall transmit the other duplicate to the Registrar;
- (d) If the birth takes place in a country in which the Government of Canada is not represented, the applicant may file the application with a representative of the Government of Canada in the country nearest to the country in which the birth took place or, alternatively, he may forward the application in one copy only, to the Registrar;
- (e) If the child is brought to Canada before an application for registration is made, the applicant may forward the application in one copy only, to the Registrar.

(2) Where birth outside of Canada has not been registered within two years from its occurrence, an application may be made to the Minister, giving the reasons for the failure to submit an application in accordance with this section.

**Canadian Citizenship Act—continued**

(3) Where the Minister is satisfied that the child is entitled to be registered pursuant to section 5 of the Act, the Registrar shall issue a certificate of registration of birth and the effective date of registration shall be the date on which the application was filed by the father, the mother, or the legal guardian; the registration shall not be deemed to be complete until the certificate of registration has been issued.

*Declaration of Retention and Petition for Resumption  
of Canadian Citizenship*

27. (1) Where in accordance with section 4 or 5 of the Act, a Canadian citizen born outside of Canada desires to retain his citizenship and does not have his place of domicile in Canada at such time, he shall file a Declaration of Retention in duplicate and in the form prescribed in the office of a representative of the Government of Canada, and such representative in whose office the declaration is filed shall transmit one duplicate to the Registrar, or the declarant may forward such declaration in one copy only to the Registrar.

(2) A person who has ceased to be a Canadian citizen by virtue of subsection (2) of section 4 or subsection (1a) of section 5 of the Act, may file a petition in duplicate and in the form prescribed for resumption of Canadian Citizenship in the office of a representative of the Government of Canada outside of Canada, and such representative in whose office the petition is filed shall transmit one duplicate to the Registrar, or such person may forward such petition in one copy only directly to the Registrar; if the petition is approved by the Minister, the Registrar shall issue a Certificate of Citizenship accordingly.

*Extension of Citizenship*

28. (1) Certificates of Extension of Canadian Citizenship may be issued to Canadian citizens residing temporarily abroad by persons designated in paragraph (b) of subsection (1) of section 26.

(2) A first extension of not more than two years, and subsequent extensions of not more than one year each, may be granted.

(3) An endorsement of the extension shall be made on the Certificate of Citizenship or Naturalization or, if there be no certificate of Citizenship or Naturalization, on the passport of the person to whom the Certificate of Extension is granted.

(4) Certificates of Extension shall be in duplicate and in the form prescribed; one duplicate shall be retained in the office of the issuing officer and the other shall be transmitted by him to the Registrar.

*Surrender and Cancellation of Certificates of Citizenship*

29. (1) A person whose citizenship has been lost or revoked under Part III of the Act shall forthwith, upon request of the Registrar, surrender his certificate of Citizenship or Naturalization, as the case may be, to the Registrar.

(2) Where the Minister so directs, the holder of a Certificate of Citizenship or of a Certificate of Naturalization shall, upon request of the Registrar, deliver it up to the Registrar for the purpose of determining whether such holder is entitled thereto and should such holder not be found by the Minister to be so entitled, such certificate may be retained by the Registrar.



**Canadian Citizenship Act—continued**

*Miniature Certificates of Citizenship*

30. (1) A natural-born Canadian citizen may choose to receive, instead of or in addition to the certificate of citizenship, a miniature certificate in the form prescribed, upon payment of the fee provided for in Schedule B, and any other person to whom a certificate has already been granted may upon request and payment of the fee provided for in Schedule B, be furnished with a miniature certificate in the form prescribed.

(2) Any person desiring to receive a miniature certificate shall file an application therefor in the form prescribed with the Registrar.

*Certificates and Forms*

31. The Minister may prescribe such further and other certificates and forms as he deems required for the purposes of the Act and these regulations.

*Schedule of Fees*

32. Fees shall be paid in respect of the making of any declaration or the issue of any certificate or otherwise under the Act and these regulations, and shall be applied in accordance with the items in the Schedule B to these regulations.

**Schedule A**

An oath, affidavit, affirmation or statutory declaration may, in accordance with section 23 of these regulations, be administered, sworn, affirmed or made in any country other than Canada before:

(1) a judge, a magistrate or an officer of a court of justice or a commissioner authorized to administer oaths in the courts of justice of such country;

(2) an officer of any of Her Majesty's diplomatic or consular services exercising his functions in any country other than Canada; including an ambassador, envoy, minister, chargé d'affaires, counsellor, secretary, attaché, consul-general, consul, acting consul-general, acting consul, acting vice-consul and acting consular agent;

(3) an officer of the Canadian diplomatic, consular or representative services exercising his functions in any country other than Canada; including in addition to the diplomatic and consular officers specified in paragraph (2), the High Commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary;

(4) a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner exercising his functions in any country other than Canada;

(5) an officer of the Department of Citizenship and Immigration.



Canadian Citizenship Act—*continued*

## Schedule B

## FEES

When payable	Amount	Appropriated to
1. On filing of Declaration of Intention with the Court.....	\$ 2.00	Clerk of the Court
2. On filing of Declaration of Intention with Registrar or with Citizenship Officer.....	2.00	Department
3. On filing application with the Court under section 10 (1) of the Act, for a decision that the applicant is fit and qualified to be granted a Certificate.....	10.00	Clerk of the Court
4. With application to the Registrar for a Certificate under section 10 (2), 10 (4), 11 (2) or 11 (3) of the Act.....	5.00	Department (upon issue)
5. With application to the Registrar for a Certificate under section 10 (3), 10 (5), or 11 (1) of the Act.....	1.00	Department (upon issue)
6. With application by a Canadian citizen for the issue of a Certificate.....	1.00	Department (upon issue)
7. With Declaration of Retention of Canadian Citizenship.....	1.00	Department
8. With Petition for Resumption of Canadian Citizenship.....	5.00	Department
9. On issue of a certified copy of any certificate or document referred to in the regulations...	1.00	Clerk of the Court or Department
10. On issue of a new certificate under section 25 of the regulations.....	2.00	Department
11. On taking of any oath other than the Oath of Allegiance.....	1.00	Officer administering Oath
12. Upon delivery of a miniature certificate.....	2.00	Department

Provided that applications from persons who have been on active service in the Armed Forces of Canada during time of war shall be exempt from the payment of the fee of one dollar required under item 6 of this Schedule.

Provided, also, that British subjects who have served on active service in the Armed Forces of Canada during time of war shall be exempt from the payment of the fee of five dollars required under item 4 of this Schedule.

## FORMS

Copies of the forms referred to in these regulations may be obtained on application to the Registrar, Canadian Citizenship Registration Branch, Department of Citizenship and Immigration, Ottawa.

**Canadian Citizenship Act—concluded**

**2. Certain Courts of General Sessions designated as courts for the purposes of the Act**

P.C. 1954-972

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 30th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS paragraph (b) of subsection (2) of section 34 of the Canadian Citizenship Act provides that the Governor in Council may designate in any part of Canada any court to act as a court for the purposes of the said Act, and any such court so designated shall be deemed to be a court for all purposes under the said Act;

AND WHEREAS it is deemed expedient to designate the Court of General Sessions of the Peace sitting in nine places in the Province of Ontario to Act as courts for the purposes of the said Citizenship Act since the definition of the term "court" in paragraph (h) of section 2 of the said Act means with respect to the Province of Ontario a County or District Court and does not include the General Sessions of the Peace.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration is pleased to designate and doth hereby designate as courts for the purposes of the Canadian Citizenship Act the Courts of General Sessions of the Peace sitting at the following places in the Province of Ontario:

Chatham; Hamilton; Kitchener; London; Ottawa; Sudbury; St. Catharines; Toronto; and Windsor.

**CANADIAN COAL EQUALITY ACT. (R.S.C., 1952, c. 34)**

The following regulations established pursuant to the Canadian Coal Equality Act were in effect on January 1, 1955:—

**Canadian Coal Equality Regulations—**

Order in Council P.C. 1954-1317 of 8th September, 1954

As these regulations are effective to April 1, 1955 only, they have not been included in this Consolidation. Copies may be obtained on application to the Chairman, Dominion Coal Board, Ottawa.

## CANADIAN FARM LOAN ACT. (R.S.C., 1952, c. 36)

## Canadian Farm Loan Regulations

P.C. 1954-1836

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Canadian Farm Loan Act, is pleased to order as follows:

1. The Canadian Farm Loan Board (General) Regulations, established by Order in Council P.C. 2084 of 28 th April, 1949, as amended, are hereby revoked; and

2. The annexed "Canadian Farm Loan Regulations" are hereby approved and established in substitution for the regulations hereby revoked.

## CANADIAN FARM LOAN REGULATIONS

*Short Title*

1. These regulations may be cited as the *Canadian Farm Loan Regulations*.

2. In these regulations,

- (a) "Act" means the *Canadian Farm Loan Act*;
- (b) "Board" means the Canadian Farm Loan Board;
- (c) "Commissioner" means the Canadian Farm Loan Commissioner;
- (d) "Branch Manager" means a Chief Executive Officer appointed under section 10 of the Act;
- (e) "first mortgage loan" means a loan made under section 4 of the Act; and
- (f) "second mortgage loan" means a loan made under section 19 of the Act.

*Execution of Documents*

3. (1) The seal and impression thereof as made on these regulations is hereby declared to be the corporate seal of the Board.

(2) All transfers, assignments, discharges, deeds, securities or other instruments of whatever kind and nature shall be deemed to be duly executed by and on behalf of the Board, if its corporate seal is affixed thereto and attested by the Commissioner, or any other member of the Board and countersigned by the Secretary of the Board, and when so executed all such instruments shall be deemed to have been validly and effectually executed by and on behalf of the Board.

**Canadian Farm Loan Act—continued**

*Completion of Hypothecs*

4. Hypothecs taken to secure loans made by the Board in the Province of Quebec and executed by notarial deed may be accepted and completed on behalf of the Board by the Chief Executive Officer for the said Province, Mr. J. A. Proulx, or by such other person as shall act as his attorney by virtue of a special power of attorney executed by him, or may be accepted and completed on behalf of the Board by such other person or persons as are from time to time so authorized by the Board by resolution and hypothecs when so accepted on behalf of the Board shall be deemed to be duly accepted and completed by the Board.

*Branch Offices*

5. Branch offices of the Board shall be established as follows to serve the following designated territories:

At Charlottetown for the Province of Prince Edward Island;  
At Halifax for the Province of Nova Scotia;  
At Saint John for the Province of New Brunswick;  
At Quebec for the Province of Quebec;  
At Toronto for the Province of Ontario;  
At Winnipeg for the Province of Manitoba;  
At Regina for the Province of Saskatchewan;  
At Edmonton for the Province of Alberta; and  
At New Westminster for the Province of British Columbia.

*Eligibility of Applicants for Loan*

6. (1) An applicant for a loan is deemed to be actually engaged in the cultivation of the land to be mortgaged to the Board if he cultivates the land himself or with hired labour.

(2) Where the owner of land that is cultivated by another person applies for a loan, if the relationship between the owner and that other person is that of landlord and tenant, the owner is deemed not to be in occupation or to cultivate that land.

*Qualifications of Applicants for Loan*

7. Within the limits and subject to the conditions for making loans prescribed by the Act, the determining factor in fixing the amounts of first and second mortgage loans to be made shall be the capability of the applicant to provide for repayment thereof out of farm earnings, determined as far as possible from investigation of his past record of operations on the farm and the present and estimated future productivity of the farm lands to be mortgaged.

*Applications for Loans*

8. An application for a loan shall be made on an application form provided by the Board to the Branch Office of the Board serving the province in which the land to be mortgaged is situated.

9. (1) Except as provided in subsection (2), an applicant for a loan shall pay a fee of ten dollars at the time of making application.

(2) Where a borrower applies for a new or further loan upon the security of lands already mortgaged to the Board a fee of five dollars shall be payable at the time of making application.



**Canadian Farm Loan Act—continued**

10. Where an application for a loan is rejected or withdrawn before an appraisal of the land to be mortgaged is made the application fee paid by the applicant shall be refunded to him or to his legal representatives.

11. Where an appraisal of land to be mortgaged has been made pursuant to an application for a loan the application fee paid by the applicant shall be retained by the Board unless for reasons specifically stated by it, the Board directs that the fee or part thereof should be refunded to the applicant or to his legal representatives.

12. (1) Except as provided in subsection (2), every applicant to whom a loan is made shall pay, in addition to the fee prescribed by section 9, a further fee equal to one-fifth of one per cent of the amount of loan approved which, unless otherwise paid, shall be retained in one sum out of the loan at the time the loan is made in whole or in part.

(2) Where a new loan based on an appraisal of farm lands made within the current or immediately preceding fiscal year is made to a borrower on the security of land already mortgaged to the Board, the borrower shall pay, in addition to the fee prescribed by section 9, a further fee equal to one-fifth of one per cent of the amount by which the new loan as approved exceeds the loan previously approved, which further fee unless otherwise paid shall be retained in one sum out of the loan at the time the loan is made in whole or in part.

13. (1) Except as provided in subsection (2), no loan shall be made or agreed to be made by the Board until after an appraisal is made of the farm lands to be mortgaged to secure repayment of the loan.

(2) Where a borrower applies for a new or further loan upon the security of lands already mortgaged to the Board, and appraisal of the land made on behalf of the Board within the fiscal year in which the application is made, or within the immediately preceding fiscal year, may be accepted as an appraisal for the purpose of the new or further loan applied for.

*Approval of Loans*

14. No loan shall be made without the approval of the Commissioner or some other member of the Board or some other person authorized by the Board to approve the making of loans.

*Appraisals*

15. Farm lands to be mortgaged to the Board shall not be appraised while covered with snow or frozen to the extent that a proper examination of the soil and state of cultivation is not possible.

16. Before making a recommendation in respect of a loan an appraiser shall make a careful investigation of the personal qualifications of the applicant as one of the determining factors in the approval or rejection of the application and shall make a detailed report thereon when making his recommendation.

17. Farm properties to be mortgaged to the Board as security for repayment of loans shall be appraised as follows:

- (a) the farm lands shall be appraised without regard to the value of the buildings; and

**Canadian Farm Loan Act—continued**

- (b) the amount by which the buildings situated on the farm lands increase the value of the lands shall be determined;

and the total of these two amounts shall constitute the value of the farm property but in no case shall buildings be deemed to increase the value of the land by an amount greater than the value placed upon the land alone.

*Small Farm Units*

18. No loan shall be made on the security of a mortgage on a land unit that is not of sufficient size to produce, under the operation of the applicant, sufficient crops and fodder, whether marketed direct or fed to livestock or both, to provide a livelihood for the farm operator and his dependents and to provide for the repayment of the loan.

19. (1) No loan shall be made on orchard lands unless such lands have a general agricultural value, that is a value for the production of general crops.

(2) The general agricultural value of orchard lands, that is, their value for the production of general crops, shall be the basis of appraisal of such lands, but if the trees thereon are in a healthy condition and if the area has a satisfactory production record the trees may be considered as enhancing the value of the land in determining its productive value, depending upon the kind and variety of the trees grown and their age, condition and prospective life, but small isolated farm orchards, particularly where the type of fruit growing represented by the orchard is not practised on a commercial scale, shall not be deemed to enhance the value of the land on which they are situated.

*Small Fruit Plants*

20. Small fruit plants growing on lands shall not be taken into account in appraising the land.

*Drainage and Irrigation*

21. In appraising land to be mortgaged to the Board account shall be taken of a charge on the land for future payments for irrigation or drainage projects, but such a charge shall not be deemed to be a mortgage for the purposes of the Act.

*Loans on One Parcel of Land to Improve Another*

22. Loans may be made on the security of a mortgage on one parcel of land for the purpose of improving another parcel of land, but loans for such purpose shall be made only when both parcels of land are situated in such proximity that they can be worked as one agricultural unit under common management.

*Loans for Improvements*

23. Where an application is made for a loan to provide funds for permanent insurable improvements, or for clearing, draining or other like improvements to farm land, the appraisal of the value of the land for the purpose of making the loan may be based on the value that it will have after the improvements have been made when the Board is satisfied that the amount borrowed will be sufficient to complete the improvements and that provision is made that no liens for labour or material shall have priority over any mortgage taken by the Board.

**Canadian Farm Loan Act—continued***Terms of First Mortgage Loan*

24. First mortgage loans may be made on terms providing for the repayment thereof over a period consisting of a fractional portion of a year plus twenty-four years, twenty years, fifteen years or ten years, or over a period of five years as in the judgment of the officer or person approving the loan is in the best interest of the Board, but preference shall be given to a term of repayment consisting of a fractional portion of a year plus twenty-four years.

25. Where the term of a first mortgage loan is five years the borrower shall be required to pay interest yearly or half yearly and an amount of principal equal to at least ten per cent of the amount of the loan yearly during the term of the loan, the balance of principal to become due and payable at the end of the term.

*Terms of Second Mortgage Loan*

26. Second mortgage loans may be made on terms providing for the repayment thereof over the period of the loan in equal consecutive annual or semi-annual instalments of principal plus interest accrued to date of payment, or on terms providing for the payment of interest only for the year or major portion thereof to the first or second instalment payment date following the making of the loan, and thereafter in equal consecutive annual or semi-annual instalments of principal plus accrued interest to date of payment over the balance of the period of the loan.

*Additional Security for Second Mortgage Loans*

27. In provinces where chattel security may be taken, second mortgage loans may be additionally secured by bill of sale by way of chattel mortgage on the borrower's livestock, farm implements, farm equipment and motor vehicles or such portion thereof having an appraised value equal to at least twice the amount of the loan as is, in the judgment of the officer or person who approves the loan, adequate for the protection of the Board.

28. Where a further loan by way of second mortgage is granted to a borrower it shall be a condition of approval of the loan that all outstanding taxes on the farm lands taken as security and all arrears upon the first mortgage loan as at the time of making the second mortgage loan are paid from the proceeds of the second mortgage loan.

*Second Mortgage Loans Shall Consolidate Liabilities*

29. A second mortgage loan shall be made subject to the condition that the loans made by the Board to the borrower are sufficient to discharge all his liabilities as disclosed to the Board, except

- (a) to the extent that, in the judgment of the officer or person approving the loan, the liabilities not so retired are secured by charges on other land or property, and that the borrower will be able to discharge them out of revenues other than those derived by him from the operation of the farm lands mortgaged to the Board so that he will not be handicapped in the repayment of the loans made to him by the Board; or



**Canadian Farm Loan Act—continued**

- (b) to the extent that, where a borrower receives loans to the aggregate maximum of twelve thousand dollars, the liabilities not so discharged will, in the judgment of the officer or person approving the loan, be paid out of farm revenues without affecting the repayment of the loans made to the borrower by the Board.

*Insurance on Buildings*

30. (1) Buildings on farm lands owned by the Board shall be insured and kept insured against loss or damage by fire to the amount of the full insurable value of such buildings.

(2) Where farm lands are sold by the Board on credit terms, buildings on the lands shall be and be kept insured against loss or damage by fire for at least the amount owing to the Board or for the full insurable value where the full insurable value is less than the amount so owing.

(3) Buildings on farm lands mortgaged to the Board as security for a loan shall be and be kept insured against loss or damage by fire for an amount equal to the full insurable value thereof, or for such lesser amount as may be acceptable to the Board in the case of buildings having an insurable value in excess of the amount owing on the loan.

*Taxes*

31. The Board may pay to a local taxing authority an amount equal to the taxes that might have been assessed and levied on lands and improvements held by the Board by the taxing authority in any year if taxes had been assessed and levied thereon in that year; but in no case shall the amount so paid be in excess of an amount that the Board deems to be fair and equitable having regard to the taxes assessed and levied in that year by the taxing authority upon other land and improvements in the area.

*Interest Rates on First Mortgage Loans*

32. (1) The rate of interest payable on a first mortgage loan made in whole or in part on or after the 2nd day of April, 1945 and before the 1st day of April, 1952 shall be four and one-half per cent per annum.

(2) The rate of interest payable on a first mortgage loan other than a loan referred to in subsection (1) shall be five per cent per annum.

33. (1) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a first mortgage loan made in whole or in part on or after the 2nd day of April, 1945 and before the 1st day of April, 1952 shall be five per cent per annum.

(2) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a first mortgage loan other than a loan referred to in subsection (1) shall be five and one-half per cent per annum.



**Canadian Farm Loan Act—concluded***Interest Rates on Second Mortgage Loans*

34. (1) The rate of interest payable on a second mortgage loan made in whole or in part before the 2nd day of April, 1945 shall be six per cent per annum.

(2) The rate of interest payable on a second mortgage loan made in whole or in part on or after the 2nd day of April, 1945, and before the 1st day of April, 1952 shall be five per cent per annum.

(3) The rate of interest payable on a second mortgage loan other than a loan referred to in subsection (1) or (2) shall be five and one-half per cent per annum.

35. The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a second mortgage loan shall be the rate of interest payable on the loan specified in section 34.

*Disbursements Charged to Second Mortgage Account*

36. Where the Board disburses a sum of money on behalf of a borrower who has received a first mortgage loan and a second mortgage loan both of which are outstanding, and where such sum of money is properly chargeable at the option of the Board to either loan account such sum shall be charged to the second mortgage loan account.

*Application of Repayments*

37. Where a repayment is received from or on behalf of a borrower the same may be credited to his loan account or loan accounts in, or so far as the repayment will extend towards the satisfaction of the following items or such of them as may appear therein and in the following order:

- (1) charges other than for interest which have been added to the first mortgage loan account;
- (2) interest arrears on first mortgage;
- (3) principal arrears on first mortgage;
- (4) charges other than for interest which have been added to the second mortgage loan account;
- (5) interest arrears on second mortgage;
- (6) principal arrears on second mortgage;
- (7) principal of second mortgage not in arrears; and
- (8) principal of first mortgage not in arrears.

*Prepayment of Loans*

38. (1) No borrower shall be entitled, except with the consent of the Board, to prepay the whole or any portion of a first mortgage loan made to him within the period of two years following the date of receipt of such loan by him.

(2) The Board may accept prepayment of the whole or any portion of a first mortgage loan at any time but, where prepayment is tendered within the period of two years following the date of making the loan, the Board may charge a bonus not exceeding three months' interest at the current rate on the loan calculated on the amount of the prepayment.

**CANADIAN FISHERMAN'S LOAN ACT. (R.S.C., 1952, c. 37)**

**Canadian Fisherman's Loan Regulations**

P.C. 1954-1838

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Canadian Fishermen's Loan Act, is pleased to order as follows:

1. The Canadian Fisherman's Loan (General) Regulations, established by Order in Council P.C. 2083 of 28th April, 1949, are hereby revoked; and

2. The annexed "Canadian Fisherman's Loan Regulations" are hereby approved and established in substitution for the regulations hereby revoked.

**THE CANADIAN FISHERMAN'S LOAN REGULATIONS**

*Short Title*

1. These regulations may be cited as the *Canadian Fisherman's Loan Regulations*.

2. In these regulations,

(a) "Act" means the *Canadian Fisherman's Loan Act*;

(b) "Board" means the Canadian Farm Loan Board;

(c) "Branch Manager" means a Chief Executive Officer referred to in section 9 of the Act; and

(d) "Commissioner" means the Canadian Farm Loan Commissioner.

*Execution of Documents*

3. (1) The seal and impression thereof as made on these regulations is hereby declared to be the corporate seal of the Board.

(2) All transfers, assignments, discharges, deeds, securities or other instruments of whatever kind and nature shall be deemed to be duly executed by and on behalf of the Board, if its corporate seal is affixed thereto and attested by the Commissioner, or any other member of the Board and countersigned by the Secretary of the Board, and when so executed all such instruments shall be deemed to have been validly and effectually executed by and on behalf of the Board.

*Completion of Hypothecs*

4. Hypothecs taken to secure loans made by the Board in the Province of Quebec and executed by notarial deed may be accepted and completed on behalf of the Board by the Chief Executive Officer for the said Province, Mr. J. A. Proulx, or by such other person as shall act as his attorney by virtue of a special power of attorney executed by him, or may be accepted and completed on behalf of the Board by such person

**Canadian Fisherman's Loan Act**—*continued*

or persons as are from time to time so authorized by the Board by resolution and hypothecs when so accepted on behalf of the Board shall be deemed to be duly accepted and completed by the Board.

*Branch Offices*

5. Branch offices of the Board shall be established as follows to serve the following designated territories:

- At Charlottetown for the Province of Prince Edward Island;
- At Halifax for the Province of Nova Scotia;
- At Saint John for the Province of New Brunswick;
- At Quebec for the Province of Quebec;
- At Toronto for the Province of Ontario;
- At Winnipeg for the Province of Manitoba;
- At Regina for the Province of Saskatchewan;
- At Edmonton for the Province of Alberta; and
- At New Westminster for the Province of British Columbia.

*Eligibility of Applicants for Loan*

6. A loan shall not be made unless the Board is reasonably satisfied that the applicant has, or with the proceeds of the loan will be able to acquire, the fishing equipment necessary to carry on fishing operations efficiently.

*Qualifications of Applicant for Loan*

7. Within the limits and subject to the conditions for making loans prescribed by the Act, the determining factor in fixing the amount of a loan to be made shall be the capability of the applicant to provide for repayment thereof out of his earnings determined as far as possible from investigation of his past record and his present and estimated future earning capacity.

*Applications for Loans*

8. An application for a loan shall be made on an application form provided by the Board to the Branch Office of the Board serving the province in which the land to be mortgaged is situated.

9. Applications for loans shall be accompanied by an application fee of ten dollars for loans in excess of six hundred dollars and by an application fee of five dollars in all other cases.

10. Where an application for a loan is rejected or withdrawn before an appraisal of the land to be mortgaged is made the application fee paid by the applicant shall be refunded to him or to his legal representatives.

11. Where an appraisal of land to be mortgaged has been made pursuant to an application for a loan the application fee paid by the applicant shall be retained by the Board unless, for reasons specifically stated by it, the Board directs that the fee or part thereof should be refunded to the applicant or to his legal representatives.

**Canadian Fisherman's Loan Act—concluded***Approval of Loans*

12. No loan shall be made without the approval of the Commissioner or some other member of the Board or some other person authorized by the Board to approve the making of loans.

*Appraisals*

13. A loan may be granted only after appraisal of the land accepted as security for the loan.

14. Before making a recommendation in respect of a loan an appraiser shall make a careful investigation of the personal qualifications of the applicant as one of the determining factors in the approval or rejection of the application and shall make a detailed report thereon when making his recommendation.

*Terms of Loans*

15. Loans may be made on terms providing for the repayment thereof over a period consisting of a fractional portion of a year plus ten years or less as in the judgment of the officer approving the loan is in the best interest of the Board.

16. Where the term of a loan is five years or less the borrower shall be required to pay interest yearly or half yearly and an amount of principal equal to at least ten per cent of the amount of the loan yearly during the term of the loan, the balance of principal to become due and payable at the end of the term.

*Insurance On Buildings*

17. Buildings on lands mortgaged to the Board as security for a loan shall be and be kept insured against loss or damage by fire for an amount equal to the full insurable value thereof or for such lesser amount as may be acceptable to the Board in the case of buildings having an insurable value in excess of the amount owing on the loan.

*Interest Rates On Loans*

18. The rate of interest payable on loans made under the Act shall be five per cent per annum.

19. The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of loans made under the Act shall be five and one-half per cent per annum.



## CANADIAN FORCES ACT, 1950. (1950-51, c. 2)

## Defence Superannuation Regulations

P.C. 510

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 29th day of January, 1952.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Treasury Board and pursuant to subsection two of section six of The Canadian Forces Act, 1951, is pleased to make the annexed regulations entitled "The Defence Superannuation Regulations", and they are hereby made and established, accordingly.

*Defence Superannuation Regulations*

1. These regulations may be cited as the *Defence Superannuation Regulations*.

2. A defence service contributor to whom Part I of the Civil Service Superannuation Act applies may, within sixty days of becoming a contributor under that Part or within sixty days of the day on which these regulations come into force, whichever is the later, elect to have all but not part of his defence service counted as service in the Civil Service under the Civil Service Superannuation Act but any period of defence service during which he was not in the regular forces shall be counted as service under that Act only to the extent and under the conditions prescribed in the appropriate Part of The Defence Services Pension Act.

3. A period of service that is counted as defence service may not be counted again for the purpose of the Civil Service Superannuation Act.

4. A period of service on which a deferred allowance has been granted under the Civil Service Superannuation Act may not be included as defence service.

5. Where a defence service contributor elects to count defence service, no contributions shall be required in respect of that service except any arrears of contributions under The Defence Services Pension Act outstanding as of the date upon which he so elects.

6. The arrangement in effect, upon the date a person becomes a defence service contributor, for liquidation of the arrears of contributions in respect of his defence service, shall continue in effect; but he may liquidate the balance of those arrears at any time by a single payment or by making payments over a shorter period, and the amount payable in a single sum or the instalments, as the case may be, shall be calculated as though section twenty-two of the Superannuation Regulations applied, except that for this purpose Canadian Life Table No. 2 (1941) shall be substituted for the British Offices Life Tables, 1893, Om(5) mentioned in that section.

7. Section twenty-four of the Superannuation Regulations shall apply in respect of any default in payment of the arrears referred to in section

**Canadian Forces Act—concluded**

six of these regulations but, for the purpose of recalculation of those arrears, Canadian Life Table No. 2 (1941) shall be substituted for the British Offices Life Tables, 1893, Om(5) mentioned in the said section twenty-four.

8. All contributions, with accrued interest, made by a defence service contributor in respect of his defence service or by His Majesty on his behalf shall, as of the date he elects to count his defence service, be transferred to the Superannuation Account maintained under the Civil Service Superannuation Act, and any arrears of such contributions thereafter paid by him or by His Majesty on his behalf shall be paid into the Consolidated Revenue Fund and credited to that Account.

9. Except in so far as they are inconsistent with section six of The Canadian Forces Act, 1951, and these regulations, The Defence Services Pension Act and regulations made thereunder, as they are in force on the date upon which a defence service contributor elects to count his defence service, apply in respect of any question that may arise concerning his defence service.

10. Upon notification of an election under section two, the Service Pension Board shall transmit to the Superannuation Branch, Department of Finance, all records, documents and information necessary to give effect to these regulations.

**CANADIAN MARITIME COMMISSION ACT. (R.S.C., 1952, c. 38)**

**Regulations for the administration of steamship subventions**

P.C. 1954-1301

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Canadian Maritime Commission Act, is pleased to order as follows:

1. The Regulations for the Administration of Steamship Subventions, established by Order in Council P.C. 649 of 20th February, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations for the Administration of Steamship Subventions" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS FOR THE ADMINISTRATION OF STEAMSHIP SUBVENTIONS**

1. The Canadian Maritime Commission shall administer the steamship subventions payable under the contracts in that behalf in force on the first day of November, 1947, in accordance with the terms of the contracts.

**Canadian Maritime Commission Act—concluded**

2. The Commission may enter into further contracts with the operator of any vessel for the payment of any subsidy voted by Parliament for the operation of water transportation service.

3. A contract entered into under these regulations shall contain such terms and conditions as the Commission may consider necessary or desirable to meet the conditions and requirements of the particular service, but the term of the contract shall not exceed five years.

**CANADIAN VESSEL CONSTRUCTION ASSISTANCE ACT.**

(R.S.C., 1952, c. 43)

**Quadrennial Survey Reserve Regulations**

P.C. 1953-946

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 12th day of June, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

HIS EXCELLENCY the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by section seven of the Canadian Vessel Construction Assistance Act, is pleased to make the regulations annexed hereto entitled the "Quadrennial Survey Reserve Regulations", and they are hereby made and established to have effect with respect to the 1952 and subsequent taxation years.

**THE QUADRENNIAL SURVEY RESERVE REGULATIONS**

1. These regulations may be cited as the *Quadrennial Survey Reserve Regulations*.

2. In these regulations,

- (a) "classification society" means a society or association for the classification and registry of shipping approved by the Minister of Transport under the Canada Shipping Act, 1934;
- (b) "estimate of the expenses of survey" means a fair and reasonable estimate, made by a taxpayer at the time of filing his return of income for the third taxation year preceding the taxation year in which a quadrennial survey is scheduled to occur, of the costs, charges and expenses which might be expected to be necessarily incurred by him by reason of that survey and in respect of which he does not have or possess nor is he likely to have or possess any right of reimbursement, recoupment, recovery or indemnification from any other person or source;
- (c) "inspector" means a steamship inspector appointed under Part VII of the Canada Shipping Act, 1934;
- (d) "quadrennial survey" means a periodical survey, not being an annual survey nor a survey coinciding as to time with the construction of a vessel, in accordance with the rules of a classification society, or, an extended inspection, not being an annual inspection

**Canadian Vessel Construction Assistance Act—concluded**

nor an inspection coinciding as to time with the construction of a vessel, pursuant to the provisions of the Canada Shipping Act, 1934, and the regulations thereunder;

- (e) "survey" means the drydocking of a vessel, the examination and inspection of its hull, boilers, machinery, engines and equipment by an inspector or a surveyor and everything done to such vessel, its hull, boilers, machinery, engines and equipment pursuant to an order, requirement or recommendation given or made by the inspector or surveyor as the result of the examination and inspection so that a safety and inspection certificate might be issued in respect of the vessel pursuant to the provisions of the Canada Shipping Act, 1934, and the regulations thereunder or, as the case may be, so that the vessel might be entitled to retain the character assigned to it in the registry book of a classification society;
- (f) "surveyor" means a surveyor to a classification society.

3. (1) In computing his income for the purpose of the Income Tax Act in each of the three taxation years next preceding the taxation year in which a quadrennial survey of a vessel is scheduled to occur, a taxpayer may deduct as a reserve for expenses to be incurred by reason of that quadrennial survey an amount not exceeding one-fourth of the estimate of the expenses of survey in respect of that vessel.

(2) The amount allowed under subsection (1) as a deduction for a taxation year in respect of a vessel shall not exceed the amount for the vessel shown on the financial statements of the taxpayer as a deduction in computing his income for the year.

**CANADIAN WHEAT BOARD ACT. (R.S.C., 1952, c. 44)**

This statute authorizes the making of various types of regulations and orders concerning the delivery and marketing of wheat, oats and barley and the operations of the Canadian Wheat Board. They relate to a particular crop year or to a pool period corresponding to a crop year commencing on August 1st in a calendar year and continuing to July 31st of the next calendar year.

These regulations and orders, with the exception of certain classes of orders directed to individuals or restricted to routine transactions which have been exempted from publication, are published in Part II of the *Canada Gazette* soon after they are made, either during the crop years or pool periods to which they relate or shortly before or after such periods. They are from time to time replaced by new orders dealing with the same or similar subject matters but relating to a new crop year or pool period. For these reasons, they have not been included in this Consolidation.

**CARRIAGE BY AIR ACT. (R.S.C., 1952, c. 45)**

No regulations have been made under this statute.



## CHEESE AND CHEESE FACTORY IMPROVEMENT ACT.

(R.S.C., 1952, c. 47)

## Cheese and Cheese Factory Improvement Regulations

P.C. 1954-1969

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and pursuant to the Cheese and Cheese Factory Improvement Act, is pleased to order as follows:

1. The Cheese and Cheese Factory Improvement Regulations, established by Order in Council P.C. 5236 of 14th October, 1949, as amended, are hereby revoked; and
2. The annexed "Cheese and Cheese Factory Improvement Regulations" are hereby made and established in substitution for the regulations hereby revoked.

## CHEESE AND CHEESE FACTORY IMPROVEMENT REGULATIONS

1. These regulations may be cited as the *Cheese and Cheese Factory Improvement Regulations*.
2. In these regulations,
  - (a) "Act" means the Cheese and Cheese Factory Improvement Act;
  - (b) "cheese factory" means a factory which has manufactured or is manufacturing cheddar cheese from whole milk received from five or more patrons, and includes the cheese department of a factory equipped to manufacture both cheese and butter.
  - (c) "Dairy Products Division" means the Dairy Products Division of the Department of Agriculture, Ottawa;
  - (d) "existing cheese factory" for the purposes of sections 3 and 6 of the Act, means a cheese factory as defined in paragraph (b) which at the time of filing an application under the Act, has manufactured cheddar cheese during at least four consecutive months of the preceding calendar year or of the twelve-month period prior to the date of filing such application; and, for the purpose of section 4 of the Act, means a cheese factory as defined in paragraph (b) which is manufacturing cheddar cheese at the time the application is filed;
  - (e) "grader" means a grader as defined in the Canada Dairy Products Act;
  - (f) "Minister" means the Minister of Agriculture; and
  - (g) "new factory" means a factory which is being constructed or has been constructed for the purpose of manufacturing cheddar cheese but which has not commenced manufacture.

**Cheese and Cheese Factory Improvement Act—continued**

3. (1) Application for subsidies under the Act shall be in duplicate in the form prescribed by the Minister, and shall be supported by such information as the Minister may require.

(2) All applications, accompanied by plants, specifications, detailed estimates of costs and tenders for refrigeration equipment, in duplicate, shall be filed with the Dairy Products Division.

(3) Estimates of costs of refrigeration equipment contained in applications shall be based on tenders received in duplicate on forms provided by the Minister, from three or more firms dealing in different makes of equipment; one copy of each tender shall be attached to the application, and if no tender submitted is satisfactory to the Minister, the Minister may require the applicant to secure additional tenders from other firms selling such equipment.

4. Where a contract under section 5 of the Act is entered into subsequent to the initiation of any work, the purchase of any equipment or the incurring of any liability, the costs of such work or equipment or the amount of any liability incurred shall not be included for subsidy purposes.

5. The amount to be allowed as subsidy for the construction of a new factory which will manufacture products other than cheddar cheese, shall be based on a calculation of the cost of that portion of the factory to be used in the manufacture of cheddar cheese.

6. The amount of any subsidy which may be paid shall be based upon the following factors:

- (a) the amount to be allowed for refrigeration equipment shall not exceed whatever would be adequate to cool the cheese ripening room;
- (b) where refrigeration equipment of capacity or cost greater than is considered adequate or reasonable for efficiently cooling the cheese ripening room is installed, the amount to be allowed for such equipment in determining the total cost for subsidy purposes shall be as determined by the Minister;
- (c) where material or equipment other than that approved by the Minister is used, the amount to be allowed for such material or equipment, in determining the total cost for subsidy purposes shall be as determined by the Minister;
- (d) moneys or credits received from the sale of equipment which was used during the last four month period of operation in factories amalgamated under the Act shall be deducted for subsidy purposes from moneys actually expended for new material, new equipment and labour utilized constructing, reconstructing and equipping factories;
- (e) where the ripening room of a new factory is being insulated or insulated and refrigerated, the owner shall provide at his own expense the outer part of the walls, ceiling joists, roof, floor, shelving and ante-room, where an ante-room is being provided;
- (f) the cost of any shelving additional to that already installed in an existing cheese factory, required to accommodate seventeen days make of cheese during the period of greatest production may be considered, and where circumstances indicate that the volume of cheese to be made will increase considerably in the near future, the shelving to be provided shall be as determined by the Minister; and

**Cheese and Cheese Factory Improvement Act—continued**

- (g) the amount to be allowed for standardizing cheese pressing equipment shall include only actual expenditures for necessary parts to convert presses constructed for hoops of a diameter other than fifteen inches to presses for hoops of a diameter of fifteen inches, and to replace the number of hoops of a diameter other than fifteen inches with an equivalent number of hoops of a diameter of fifteen inches at a height of twelve inches above the bottom of the hoops, and followers for the same, and to replace the bandagers with an equivalent number of bandagers of diameter suitable for use in hoops of fifteen inch diameter.

7. (1) Refrigeration equipment provided for the cooling of cheese ripening rooms shall not be connected to equipment used for the refrigeration of other rooms.

(2) The owner or manager of each cheese factory who installs refrigeration equipment under a subsidy contract shall retain at least twenty-five per centum of the contract price of such equipment until it has been inspected and approved on behalf of the Minister.

8. No payment of a subsidy shall be made with respect to any cheese factory

- (a) unless such cheese factory is registered with the Minister under the Canada Dairy Products Act and regulations thereunder;
- (b) until the work with respect to which a subsidy may be paid has been completed, and inspected and approved on behalf of the Minister;
- (c) until a statement of actual expenditures and labour pay-sheets certified by the president and treasurer in the case of a corporation or a co-operatively owned factory, or the owner in the case of a privately owned factory, and supported by actual itemized invoices duly receipted, and cancelled cheques if any payments have been made by cheque, for the cost of new material, new equipment, and labour, has been submitted to and approved by the Dairy Products Division; and
- (d) unless, in cases where the applicant for subsidy engages a contractor to do the work on a cost-plus fixed fee basis, there is produced to the Minister the invoices, pay-sheets, records, cancelled cheques and other documents of the contractor relating to the cost of the work.

9. No expenditure on account of refrigeration or other equipment or material which has been used previously shall be included in determining the amount of any subsidy.

10. Cheese ripening rooms shall

- (a) be insulated or insulated and refrigerated to the satisfaction of the Minister;
- (b) be provided with sufficient shelving not more than three rows high, to receive the number of cheeses made during seventeen days of greatest production during the year immediately preceding the date of application for subsidy, and also be sufficiently large to permit of boxing and piling in the ripening room all cheese made during one week of greatest production;
- (c) be provided with standard cold storage "walk-in" and "load-out" doors of dimensions as specified by the Minister, equipped with



**Cheese and Cheese Factory Improvement Act—continued**

standard hinges and fasteners, insulated with at least four inches of cork and manufactured by a recognized firm manufacturing cold storage equipment;

- (d) be equipped with steam piping or other device approved by the Minister, for introducing heat into the ripening room as a means of controlling relative humidity and temperature; and
- (e) be provided with a wet and dry bulb hygrometer or other device approved by the Minister for determining the relative humidity in the ripening room.

11. Premium shall be payable only on cheese manufactured from whole milk and being

- (a) of the cheddar type, including washed curd cheese, or
- (b) blue-vein cheese of the Roquefort type.

12. All cheese manufactured shall be eligible for payment of a premium, on grading by a grader, of one cent per pound if it scores ninety-three points, and two cents per pound if it scores ninety-four or more points.

13. Premiums paid on account of the production of cheese scoring ninety-three or more points shall be payable to the treasurer of the factory in which the cheese was produced and pro-rated among those supplying milk from which the cheese was produced, provided that

- (a) where the milk has been purchased outright from the milk suppliers, the amount of premium money received by each supplier shall be shown on each statement furnished to him by the operator of the factory; and
- (b) the board of directors of a co-operatively owned factory or a majority of the milk suppliers of a cheese factory operating at a fixed rate per pound of cheese manufactured or of a cheese factory purchasing the milk outright from the suppliers, may authorize the payment to the maker in charge or the owner of the factory, of a percentage of any premium moneys received.

14. (1) An owner or operator of a cheese factory who receives any grant under section 8 of the Act in respect of cheese manufactured in the factory

- (a) shall maintain books and records showing the quantities of milk delivered to the factory by or on behalf of the suppliers thereof, together with all returns from the sale of cheese manufactured therefrom, including the grant;
- (b) shall distribute prior to the thirty-first day of December in each year on a pro-rata basis among those who supplied the milk from which the cheese was manufactured, all grants received during that year;
- (c) shall not make any misrepresentation or any false statement in any statement or return made by him to any supplier of milk or to the Dairy Products Division, with respect to the quantity, quality or butterfat content of milk received from such supplier, or cheese manufactured therefrom, or the amount received from the sale thereof, or by way of grant;
- (d) where milk supplied to the factory was purchased from the milk suppliers otherwise than under a co-operative plan, shall send to the Dairy Products Division, not later than the thirty-first day of



**Cheese and Cheese Factory Improvement Act—concluded**

January of each year, a statement showing the names and addresses of all from whom milk was purchased throughout the previous calendar year and the amount of grant paid to each respectively.

(2) Every person who violates subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding three months, or both fine and imprisonment.

15. (1) No premium shall be paid in respect of cheese unless all the provisions of the Canada Dairy Products Act and the regulations thereunder with respect thereto have been complied with.

(2) No premium shall be paid on cheese that is placed in boxes within eight days from the date of manufacture unless immediately after manufacture it is packaged in such a manner that, in the opinion of the Minister, the development of a rind is not necessary or desirable and it is kept in the ripening room for eight consecutive days.

16. To be eligible for premiums on account of quality, invoices in triplicate of all cheese shipped from factories shall be made in the form prescribed by the Minister, and two copies of each invoice shall be sent to the purchaser of the cheese except as provided in section 17.

17. Where cheese is sold in such a manner that it is impossible to comply with the provisions of section 16, application for premium shall be in such form and supported by such information or documents as may be required by the Minister.

18. The Minister may make such orders and give such directions as he may deem necessary or expedient for carrying out the provisions of these regulations.

**CHILDREN OF WAR DEAD (EDUCATION ASSISTANCE) ACT.  
(1952-53, c. 27)****Children of War Dead (Education Assistance) Regulations**

P. C. 1953-954

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 12th day of June, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and by virtue of the powers conferred by section ten of the Children of War Dead (Education Assistance) Act, is pleased to make the annexed regulations entitled "Children of War Dead (Education Assistance) Regulations", and they are hereby made and established, effective July 1, 1953, accordingly.

**Children of War Dead (Education Assistance) Act—concluded**

CHILDREN OF WAR DEAD (EDUCATION ASSISTANCE) REGULATIONS

1. These regulations may be cited as the *Children of War Dead (Education Assistance) Regulations*.

2. In these regulations,

- (a) "Act" means the Children of War Dead (Education Assistance) Act; and
- (b) "Minister" means the Minister of Veterans Affairs.

3. Allowances under the Act shall be payable monthly during the academic year of an educational institution.

4. (1) Where a student is paid an allowance under the Act, the fees, costs and charges that may be paid to the educational institution may include registration fee, library fee, instrument rental fee, examination fee, and similar fees as specified in the calendar of the educational institution except fees for supplemental examinations or refundable caution money or deposits, but shall not include fees for registration in professional organizations such as fees for call and admission to the Bar, fees for law societies, medical and dental associations and engineering societies.

(2) Costs of education or instruction payable under the Act with respect to any student

- (a) shall not exceed the sum of \$500 for any academic year, and
- (b) may be paid at such times and subject to such conditions respecting any student as the Minister may arrange with the educational institution.

5. Any allowance authorized under the Act may be terminated for either of the following reasons:

- (a) the failure of the student to comply with the rules and regulations of the educational institution; or
- (b) when the progress or standard of achievement of the student is considered unsatisfactory by the head of the educational institution and the Minister.

**CIVIL SERVICE ACT. (R.S.C. 1952, c. 48)**

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**1. Civil Service Regulations**

P.C. 1954-2055

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to section 5 of the Civil Service Act, is pleased to order as follows:

**Civil Service Act—continued**

1. The Civil Service Regulations, established by Order in Council P.C. 5700 of 17th November, 1949, as amended are hereby revoked; and

2. The annexed "Civil Service Regulations" made by the Civil Service Commission pursuant to section 5 of the Civil Service Act, are hereby approved and established in substitution for the regulations hereby revoked.

**CIVIL SERVICE REGULATIONS***Definitions*

1. These regulations may be cited as the *Civil Service Regulations*.
2. In these regulations,
  - (a) "Act" means the Civil Service Act;
  - (b) "Civil Service", "Public Service", and "Service" means the Civil Service of Canada;
  - (c) "Commission" means the Civil Service Commission;
  - (d) "Eligible list" means a list of persons found qualified by examination by the Commission for appointment to or promotion in the Service;
  - (e) "examination" means any test, written, manual, or oral, or in the form of a demonstration of skill or physical fitness, or a record of performance, or any combination of these, held by the Commission to establish a list of persons eligible for appointment or promotion;
  - (f) "part-time position" means a position requiring only part-time service for the fulfilment of its duties;
  - (g) "permanent position" means a position the duties of which are regarded by the department and the Commission as being of continuous indeterminate duration;
  - (h) "regulations" means these regulations;
  - (i) "seasonal position" means a position where the nature of service is such that it is not continuous through the year, but recurs in each successive year;
  - (j) "temporary position" means a position the duties of which are regarded by the department and the Commission as being not of continuous indeterminate duration.
3. }
4. }
5. } Spares
6. }

*Examinations*

7. No person shall be admitted to an examination until he has filed an application, under oath, upon the form and in the manner prescribed by the Commission, and until he has satisfied the Commission that his age, health, citizenship, residence, habits, and moral character are satisfactory, and has furnished such proof as may be required.

8. (1) Age limits for appointment shall be such as, in the opinion of the Commission, best meet the needs of the public service at the time of the competition.

(2) Any such age limits shall have reference to the age of an applicant on the closing date for the receipt of applications in the competition.



**Civil Service Act—continued**

(3) Prescribed age limits may be waived when qualified candidates within these limits are not available.

(4) Age limits shall not apply to

- (a) disability pensioners who meet the requirements of paragraph (a) of subsection 2 of section 28 of the Act, and veterans, provided that such persons are, in the opinion of the Commission, of an age to satisfactorily perform the duties of the position and give promise of being able to continue to do so for a reasonable period after appointment,
- (b) permanent employees who, when first appointed, were not older than the maximum age prescribed for the position for which the examination is being held.

9. Veterans of World War I who were domiciled in Canada at the date of enlistment, veterans of World War II, and widows of veterans who were domiciled in Canada at the date of their husbands' decease, who are natural born or naturalized British subjects or Canadian citizens, may be admitted to all examinations without regard to length of residence in Canada.

10. In cases where in the judgment of the Commission the public interest renders such action necessary, persons may be admitted to examinations for rural postmasters despite the fact that they may not be British subjects, nor have resided in Canada for five years.

11. In cases where, after due publicity, the Commission has been unable to secure an adequately qualified applicant with the necessary five years' residence in Canada, persons may be admitted to examination despite the fact that they have not resided in Canada for five years, provided they are otherwise qualified under the Act and regulations.

12. Veterans who are duly qualified as to residence in Canada, but who are not Canadian citizens or natural born or naturalized British subjects, may be admitted to examination provided that they satisfy the Commission that they have made formal application not later than the closing date for the receipt of applications in the competition, to become British subjects or Canadian citizens, provided, further, that no such applicant shall receive an appointment to the Civil Service until he shall have become a British subject or a Canadian citizen.

13. Unless the requirements of the position demand otherwise, applicants of both sexes may be admitted to any examination.

14. The Commission may refuse to examine an applicant, or after an examination, certify an eligible who is found to lack any of the established preliminary requirements for the examination or position for which he applies, or is physically so disabled as to be rendered unfit for the performance of the duties of the position in which he seeks employment, or has been dismissed from the Public Service for delinquency or misconduct, or has made false statement of any material fact, or practised or attempted to practise any deception or fraud in his application or examination or in securing his eligibility.

15. (1) Candidates at examinations may be required to pay such fees for admission thereto as may be ordered by the Commission.



**Civil Service Act—continued**

(2) The fee for all examinations shall be payable by the candidates when making application for examination. Should any candidate after making application and paying the required fee be unable to write on the examination, one-half of the fee shall be returned. If, however, a candidate notifies the Commission before an examination is held that he will be unable to present himself owing to illness or for any other cause, the fee in full shall be refunded. Provided that where an examination is held at a centre for not more than three candidates, no fees shall be refunded to any candidate failing to present himself for examination.

(3) Veterans, widows of veterans, and such pensioners as meet the requirements of paragraph (a) of subsection 2 of section 28 of the Act, shall not be required to pay a fee for admission to any examination.

(4) Before any appointment shall become effective, the person to be appointed shall satisfy the Commission in the manner and on the form prescribed by the Commission as to his physical fitness for such appointment. The fee for such physical examination shall be \$3, except when the person to be appointed undergoes the complete medical examination required for the purpose of taking out Civil Service Insurance, when the fee shall be \$5.

16. In all examinations weights shall be assigned to each subject to represent their respective relative values in determining the fitness of applicants.

17. General competitive examinations to establish eligible lists for the clerical and lower grade classes of positions shall, when required, be held in the months of May and November, and other examinations may be held from time to time as occasion arises.

18. The general competitive examinations shall be held at the following places (provided that not less than three candidates make application to write at the same place):—

Prince Rupert, Victoria, Vancouver, Nelson and Nanaimo, in the province of British Columbia; Edmonton, Calgary and Lethbridge, in the province of Alberta; Saskatoon, Regina, North Battleford, Prince Albert and Moose Jaw, in the province of Saskatchewan; Brandon and Winnipeg, in the province of Manitoba; Port Arthur, Sault Ste. Marie, North Bay, Windsor, Sarnia, London, Woodstock, Hamilton, Toronto, Peterborough, Kingston, Ottawa, Guelph, Kitchener and Brantford, in the province of Ontario; Montreal, Sorel, Chicoutimi, Sherbrooke, Three Rivers, Quebec, Rivière-du-Loup and Rimouski, in the province of Quebec; Fredericton, Chatham, Saint John and Moncton, in the province of New Brunswick; Charlottetown and Summerside, in the province of Prince Edward Island; Yarmouth, Halifax, Sydney, Kentville, Truro, Bridgewater, Antigonish and Wolfville, in the province of Nova Scotia; St. John's, Gander, Corner Brook and Grand Falls, in the province of Newfoundland. Examinations may also be held at other places where there is a sufficient number of candidates to justify the same.

Provided that where competitive examinations are required involving technical or scientific subjects and necessitating the use of scientific apparatus, it shall not be necessary to hold such examinations at each of the above places but the Commission shall, as far as possible, arrange for at least one place in each province where such examination may be taken.

19. Any subject of any examination may be written in either English or French at the option of the candidate, but the choice of language must be made at the time of application.

**Civil Service Act—continued**

20. (1) Where the appointment of a postmaster in any of the smaller offices throughout the Dominion is required, the Commission shall, through the responsible official of the Post Office Department, institute inquiries in the locality in which the appointment is to be made, with a view to securing a suitable person, suitably located, for such position, and, having made a selection and having satisfied themselves that such person possesses sufficient education to enable him to efficiently discharge the duties of the position and that he is duly qualified as to health, character, and habits, the certificate required for his appointment shall be issued.

(2) Where such procedure, for sufficient reason, is considered inadvisable in the public interest, the Commission shall invite applications for the position by public advertisement, in the locality in which the appointment is to be made, and shall select from among those applying the person who, in their judgment, is best qualified for the position. For the purpose of such selection, the Commission may make such inquiries and hold such an examination or test to determine the qualifications of the person or persons so applying as they may deem necessary.

21. The procedure outlined in subsection (2) of section 20 shall be observed in the filling of any positions for which a suitable candidate cannot be secured from the list established by means of the several examinations prescribed by these regulations, and for any other position for which, in the opinion of the Commission, local competition, but not necessarily written examinations, seems the most desirable and practicable means of selection.

22. In all cases where an examination is provided for under any statute for any special position, or positions (such as lay inspectors, veterinary inspectors, egg inspectors, grain inspectors, steamship inspectors, cutters, public analysts, inspectors and assistant inspectors of electricity), such examinations shall be held under the direction of the Commission and successful candidates appointed in order of merit in accordance with the Act and the present regulations. These special competitions shall include such academic subjects, technical papers or practical tests as may be agreed upon between the departments and the Commission, and shall be of such a character as shall best determine the qualifications of the applicant for the position to be filled.

23. Each examiner appointed by the Commission shall take and subscribe the following oath of office:—

I, A.B., do solemnly promise and swear that I will not reveal to any one the questions prepared by me for any Civil Service examination and that I will take all possible care to ensure that they be kept secret while they remain in my hands. That if I make a translation of the questions, I will not show it to any unauthorized person. That I will not keep a copy of my questions and that if I memorize them, or any of them, I will not, directly or indirectly do or say anything that would lead an unauthorized person to gain a knowledge of them.

I do, furthermore, solemnly promise and swear that I will correct the examination books sent me with all possible care and to the best of my ability, without any favouritism or discrimination.

So help me God. Signature.....

Sworn before me at.....on the.....  
day of.....19.....

Signature.....

Title.....

**Civil Service Act—continued**

24. Each examiner in each subject shall submit to the Commission with his returns a schedule showing how he has apportioned the marks for the different questions and especially showing how he has marked typical partial answers.

25. If the Commission requires the services of any officer in any department in connection with any appointment or promotion to be made to the Public Service, or any other matter coming under the jurisdiction of the Commission, such officer shall hold himself in readiness to co-operate with the Commission and shall place his services at the disposal of the Commission in any way and at any time.

26. (1) Supervisors at written examinations shall be paid in accordance with the following scale of fees:—

Presiding Supervisors, per day.....	\$20.00
per half day.....	10.00
Assistants, per day.....	10.00
per half day.....	5.00

(2) There shall be a presiding supervisor in each separate examination hall which shall thereby constitute an examination centre, and, where the number of candidates at any centre exceeds twenty-five, an assistant supervisor may be appointed for such additional number up to twenty-five, and other additional assistants may be appointed in like proportion where the number of candidates exceeds fifty. In all cases where such an arrangement can be made, the Commission shall be empowered to contract with an educational institution for a flat rate to cover the rental of halls and the services of supervisors, provided that in no case shall such flat rate exceed the amount which the Commission would be called upon to pay for rental of halls and for supervising services if separate accounts were rendered.

(3) Examiners shall be paid such fees as are regarded by the Commission as commensurate with the services rendered.

27. Within one month after the publication of the results of any examination, any candidate who considers that his answer papers have not been correctly rated, may make application to the Commission to have such papers reread. Such application must be accompanied by a fee of the amount paid by the candidate at the examination. In cases where the appeal is sustained, the fee will be returned.

28. The answer papers of all candidates at any examination, after being rated by the examiner, shall be retained by the Commission for a period of six months from the date of publishing the results, and may then be destroyed.

29. (1) The eligibility of persons who have passed, prior to June 1, 1918, Civil Service examinations provided for under any statute, or who were exempt from examination under such statute, shall be considered as having lapsed, except in the case of the following classes of persons:—

- (a) persons who have been on active service overseas in the military or naval forces of His Majesty, or of any of the Allies of His Majesty, during the war, who have left such service with an honourable record, or who have been honourably discharged, or widows of persons who have served as aforesaid and who have died owing to service overseas.



**Civil Service Act—continued**

- (b) persons now employed in a temporary capacity in the Civil Service, who have been thus employed continuously since November 10, 1919.

(2) To be eligible under the present section graduates of Canadian universities and the Royal Military College must have registered their diplomas with the Commission, or the Department of the Secretary of State, not later than February 12, 1918.

(3) Persons mentioned under (1) (a) and (b) may be placed on the list of persons eligible for permanent appointment to any class of position for which their examinations, in the opinion of the Commission, qualify them, provided they are otherwise qualified under the Act and the regulations at the time of their appointment.

30. The names of persons placed upon eligible lists under the provisions of section 27 of the Act, shall be placed in the order of merit above all successful candidates at the examinations and above persons whose names are placed upon the eligible lists under the provisions of section 54 of the Act.

31. (1) Eligible lists shall expire one year after the date of establishment, except in cases where in the opinion of the Commission the public interest will be served by the continuance of the list.

(2) The eligibility of persons for appointment to the position or positions for which an eligible list was established shall expire with the lapsing of that eligible list except

- (a) where persons have been offered and have accepted regular employment upon their names being reached during the life of the list, provided they have rendered satisfactory service while so employed and do not voluntarily leave the service;
- (b) where persons have been continuously employed before the establishment following World War II, of the first permanent eligible list for the grade and class concerned, provided they have rendered satisfactory service while so employed and do not voluntarily leave the service;
- (c) where persons served with the Armed Forces during World War II at any time during the life of the eligible list, provided they applied to the Commission for appointment within six months of the date of demobilization and have left such service with an honourable record or have been honourably discharged.

*Appointments*

32. A successful competitor at any examination held under the direction of the Commission for employment in the Civil Service who declines to accept an appointment when it is offered him, shall forfeit all future right to such appointments, and his name shall be removed from the eligible list unless he offers, in the judgment of the Commission, good and sufficient reason for his action, or unless he has in advance waived appointment for a period and for reasons satisfactory to the Commission in which case his name may remain upon the eligible list in the order of merit.

32A. If an appointment is required in a locality where both English and French are spoken, and the deputy head of the department in which the appointment is to be made advises the Commission that a knowledge



**Civil Service Act**—*continued*

of both English and French is required for the proper performance of its duties, the Commission shall appoint to the position a person who possesses such qualifications.

33. The Commission may select for any office or employment any person who is a successful competitor for higher office or employment; provided that such person relinquishes his claim to appointment in the higher grade; and provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment.

34. No permanent appointment shall be effective prior to the date on which the eligibility of the person appointed was established and approved by the Commission.

35. Any employee who (1) has given continuous satisfactory service for a period of at least one year in the grade to which appointment is proposed, (2) has passed the necessary examination for such permanent appointment not less than one year previously, (3) is reached among those employed within his unit in order of merit on the eligible list, if desired by his department, and if a permanent position is available, may be certified as permanent by the Commission.

NOTE:—For the period up to December 31, 1955, the words in (1) "in the grade to which appointment is proposed" are deleted, and (3) is amended as follows: "is reached on the eligible list among those employed within the unit in the grade to which appointment is proposed, may, if desired by his department, and if a permanent position is available, be certified as permanent by the Commission".

36. No married woman whose husband is living shall be eligible for appointment to the Public Service; provided that any married woman judicially separated from her husband shall be deemed to be unmarried and to have the same right to employment as a single woman.

Provided, further, that when the Commission reports that the supply of experienced help for any particular kind of work is not sufficient to meet the demands of the Public Service, a married woman may be certified for temporary employment.

Provided, further, that where it can be established by a married woman that her husband, through illness or other cause, does not provide sufficiently for her or their dependent children's maintenance, and cannot be made to do so, such married woman may be certified for permanent or temporary employment.

Provided, further, that where, in the opinion of the Commission, it would be desirable or necessary, and in the best interests of the Public Service, to employ a married woman or to employ husband and wife together, such married woman may be certified for permanent or temporary employment.

*Temporary Employment*

37. Assignments for temporary employment shall be made, whenever possible, from the list of persons eligible for permanent employment. When, however, these lists are insufficient to meet the needs of the Service for temporary assistance, the Commission may hold competitive examinations for temporary employment, or may select in order of merit persons who have filed applications for temporary employment with the Commission.

38. The acceptance or refusal of temporary employment shall not affect the rights of an eligible for permanent appointment.

**Civil Service Act**—*continued*

39. Where the department desires to extend the employment of persons engaged under the provisions of section 38 of the Act, beyond the thirty or ninety day period, as the case may be, the appointing officer shall be required to submit a recommendation to this effect, to the Commission, accompanied by the following declarations:

- (a) that the appointment was necessary for the efficient carrying on of the work of the department;
- (b) that the selection was made without reference to personal or political considerations and strictly on the merit principle as between persons applying or available for the position;
- (c) that, in the selection of the appointee, every consideration was given to veterans, widows of veterans, and to those pensioners who meet the requirements of paragraph (a) of subsection 2 of section 28 of the Act;
- (d) that such persons satisfied the department as to their qualifications;
- (e) that they were suitable as to age, character, and habits;
- (f) that the salary or wages paid were fair and reasonable and did not exceed the rates approved by the department.

40. No person shall be temporarily employed for longer than six months except in cases where the employee is qualified by examination for permanent appointment to the position occupied, or where no eligibles are available for permanent appointment to the position, or where the Commission considers it to be in the interests of the Service that the temporary employment of the incumbent should be continued, and in cases of extension beyond six months, the temporary position will not be continued unless authorized by the Governor in Council.

*Seasonal Employment*

41. All positions in the Civil Service where the nature of service is such that it is not continuous through the year, but recurs in each successive year, shall be designated as "Seasonal Positions", and shall be subject to the provisions of the regulations applicable generally to positions to be filled by open competition, including preference to veterans if such are qualified and available. Positions under the Board of Grain Commissioners may be considered seasonal where the nature of the service is such that it is not continuous over a period of years, but depends upon the conditions surrounding the movement of the grain each year.

42. Any person selected for appointment to a seasonal position as a result of success at an open competition therefor, shall be certified by the Commission for seasonal employment and all those for whom seasonal certificates have been or shall be issued, shall be considered eligible for re-employment from year to year without further certification. Persons who have not been selected by open competition may be appointed temporarily to seasonal positions in the absence of suitable eligibles but shall receive only a certificate of temporary employment and shall not be considered eligible for re-employment in the succeeding year without the issue of a further certificate.

43. Seasonal employees shall be considered eligible for annual increase in salary as provided by section 13 of the Act.

**Civil Service Act—continued**

44. Seasonal employees may be granted leave of absence for one season and still retain their eligibility for seasonal employment and for annual increase, but those who abandon their positions or fail to report in any one season, without having first secured the necessary leave of absence, shall be considered as having lost their eligibility.

45. Seasonal employees may be considered eligible to enter promotion competitions for permanent full time positions.

46. The departments shall notify the Commission of the return of seasonal employees to duty after each period of lay-off, showing the name, classification, and position reference number of each employee with the date of re-employment.

*Transfers*

47. The word "transfer" shall be held to mean a change from one position to another position in the same class, or a change from a position in one class to a position in another class with the same or a lower maximum compensation, and shall apply only to permanent employees.

48. All transfers shall be subject to the approval of the Commission, except where a transfer is within the same department and no change in classification or residence is involved. In the latter cases, the deputy head may authorize the transfer which shall be reported immediately to the Commission.

49. Where a transfer is recommended to a position in another class, the Commission shall satisfy itself that the employee whose transfer is recommended has suitable qualifications for the position to which his transfer is recommended.

50. Where a transfer is recommended which involves a change of residence or a change from one department to another, the deputy head of the department where the vacancy exists shall be required to satisfy the Commission that the transfer will not jeopardize the rights of junior employees to promotion, or that it is in the best interests of the Service that the position be filled by transfer rather than by promotion.

51. Where the approval of the Commission is required to effect a transfer, a request shall be submitted on the prescribed form signed by the deputy head of the department where the transfer is within a department, or by the deputy heads of both departments where the transfer is from one department to another.

52. (1) Where an employee's salary at the date of transfer is less than the minimum salary of the new class his salary on transfer shall be the minimum of the new class.

(2) Where an employee's salary at date of transfer is at a rate within the salary range of the new class, his salary on transfer shall be at the same rate.

(3) Where an employee's salary at date of transfer is not at a rate within the salary range of the new class, his salary on transfer shall be at the next higher rate within the range of the new class.

(4) Where an employee's salary at date of transfer is greater than the maximum of the new class, his salary on transfer shall be the maximum of the new class or at such rate within the salary range of the new class as may be agreed upon by the Commission and the department concerned.



**Civil Service Act—continued**

53. Where an employee's salary upon transfer is adjusted in accordance with the provisions of section 52 (1), (2), or (3), the date of his next increase shall be governed by the provisions of section 82.

54. When a private secretary to a Minister of the Crown, who is a permanent employee of the Civil Service, vacates his position as private secretary, he may be considered eligible for transfer to any position in the Public Service for which, in the judgment of the Commission, his qualifications and previous experience qualify him, provided that the minimum salary of the new position shall not exceed the maximum salary, less allowance, of the class in which the transferee now is.

*Promotions*

55. Spare.

56. Requisitions for the filling of vacancies in permanent positions in the Service shall include a statement from the deputy head of the department as to whether or not, in his opinion, it is consistent with the best interests of the Service that the vacancy should be filled by promotion, and, if so, to what groups or classes the competition should be restricted.

57. Promotion examinations may be limited to such services or classes or to such organization units, departments, or parts of the Service as the Commission deems advisable.

58. Promotion examinations shall be given due publicity by the Commission in the units, branches, or departments within which the competitions are to be held.

59. Promotion examinations may include practical, oral, or written tests, or be of such other nature as will, in the opinion of the Commission, best determine the relative qualifications of the candidates and their fitness for the position to be filled. The factors to be considered shall be seniority and efficiency in the Service, and fitness to perform the duties of the vacant position, but the marks given for efficiency and seniority shall not exceed one-half of the total marks that can be obtained at the examination.

60. Each promotion examination shall be conducted by a rating board consisting of not less than three members, except in unusual circumstances and as specifically authorized by the Commission in advance of the examination.

61. The assignment of a permanent employee to a higher position in the Service, whether as the result of success at an open competitive examination, or at a promotion examination, shall be treated as a promotion.

62. A promotion shall become effective from the date of the Commission's approval, or, if the person selected by the Commission for promotion is certified by the department to have been performing the duties of the position, his promotion may be made effective from the day on which he first took over the duties, provided that it shall not ante-date the day on which the Commission was asked by the department to fill the vacancy, nor the last day for which the name of the previous incumbent appeared on the payroll.

63. (1) The candidates in each promotion examination shall be notified of the result of the examination and of their right to appeal the result within a specified period, subject to the provisions of this section.



**Civil Service Act—continued**

(2) No continuing appointment shall be made to a position being filled by promotion examination until a decision has been reached with respect to each appeal received.

(3) A candidate's right to appeal shall apply,

(a) in the case of a competition being held to fill one or more specified positions, to the relative standing of the appellant and the candidate or candidates selected for appointment;

(b) in the case of a competition that provides for the establishment of an eligible list, to his general standing in such competition;

(c) in the case of any competition that does not produce a qualified candidate, to his failure to qualify.

(4) Where an employee has been selected for promotion without a formal promotion examination, and other employees are entitled to consideration, those employees shall be granted the right to appeal the selection.

(5) Each appeal shall set forth definite reasons which can be supported by evidence, for the appellant's belief that he has not been fairly rated or considered.

64. (1) Permanent employees who have qualified for a higher class by open competitive examination may be promoted to vacancies in their own departments, without further competition, in the order in which their names appear on the eligible lists, without waiting until their names have been reached for assignment.

(2) Where an employee is so recommended for promotion out of the order in which his name appears on the eligible list, a comparative rating shall be made by the Commission of the employee recommended and all other permanent employees in the same department whose names appear ahead of his on the eligible list. If such rating shows that the employee recommended by the department is the best qualified for the position which requires to be filled, his promotion may be approved.

(3) Where an employee is selected for promotion in accordance with the provisions of subsection (1) or subsection (2), other employees on the same eligible list and in the same department shall be given notice and granted the right to appeal the selection subject to the provisions of subsection (4) of section 63.

***Leave of Absence***

65. The words "officer, clerk or employee" include both permanent and temporary employees.

66. The word "day" means a working day.

67. Sick leave may be granted under the following conditions to employees, who, through illness, are incapacitated for duty:

(a) Sick leave credit may accumulate at the rate of one and one-half days for each complete month of continuous service, deduction therefrom being made for any period of sick leave which is granted with pay. When the sick leave credit is exhausted, no further paid leave may be allowed.

(b) Sick leave may be granted only on the production of satisfactory evidence of the inability of the employee to perform his duties, in

**Civil Service Act—continued**

the form of a written declaration from the employee in cases where the absence has not exceeded three days and a certificate from a qualified medical practitioner where the absence has exceeded three days, such certificate to be submitted within seven days of beginning of absence. Provided that, if in exceptional cases it may be considered advisable to take administrative action on evidence in a form other than the certificate of a duly qualified medical practitioner the matter shall be referred, with full particulars, by the department concerned to the Department of National Health and Welfare, for consideration and advice. It shall be competent for any deputy minister to reduce the number of days' absence for which a medical certificate will be required if it appears to him to be in the best interests of his department to do so.

- (c) Sick leave with pay, within the limits laid down under paragraph (a) may be granted by the deputy head of the department, but not continuously in excess of two months. Any longer periods which are found to be necessary shall be referred to the Commission for its approval.
- (d) All medical certificates required under this section shall be referred to the Department of National Health and Welfare for review.

68. (1) Leave of absence may be granted with pay by the deputy head of a department to any employee on account of injury accidentally received in the performance of his duties and not caused by negligence on the employee's part, if application for such leave is properly supported by a certificate from a qualified medical practitioner. Provided that in all cases where an award for temporary disability is made to the employee in connection with such injury under the provisions of the Government Employees Compensation Act, by a Workmen's Compensation Board, the employee shall not be entitled to or receive salary in the amount of such award if such award is paid to the employee. Provided, further, that when a judgment or settlement is obtained by an employee against a person other than his employer, allowing damages for such injury, the amount received, other than for permanent disability, by the employee thereunder in excess of the actual medical, surgical, hospital, or other expenses incurred (as demonstrated by accounts submitted to his department), but not exceeding the amount received by the employee as salary shall be refunded by the employee to the Receiver General or deducted by his department from instalments of his future salary.

(2) An employee who is regularly exposed to radiation, whether from x-ray or radioactive sources which, in the opinion of the deputy head constitutes a health hazard, shall be required to work the normal hours in accordance with the provisions of section eighty-eight, but shall not be employed for more than five days in each week on duties which will expose him to such radiation.

(3) An employee to whom subsection two applies may be granted twenty-four days vacation leave at the discretion of the deputy head of the department; where possible, these twenty-four days shall be taken consecutively and at regular twelve-month intervals.

(4) Absences which are recommended by a competent medical authority because of over-exposure to radiation shall be treated as injury on duty under the provisions of subsection one.

69. (1) Special leave with pay may be granted by the deputy head to employees who have the necessary special leave credit, for certain desig-

**Civil Service Act—continued**

nated causes such as illness in the family, death in the family, quarantine, etc., but not continuously in excess of six days except with the approval of the Commission. For this purpose special leave credit may accumulate at the rate of one-half day for each completed month of continuous service up to a maximum of thirty days, deduction therefrom being made for any period of paid special leave. When the leave credit is thus reduced, it may again commence to accumulate until the maximum of thirty days is reached, but no employee shall at any time have more than thirty days' leave to his credit. Special leave with pay shall be granted only on the production of a written application from the employee, setting forth in detail the reasons why he considers that paid leave should be allowed and supported by such evidence as the deputy head may require; provided that in all cases of illness in family in excess of one day, a medical certificate shall be furnished.

(2) Causes for which special leave may be allowed shall be designated by the Commission and communicated to the departments.

69A. Casual absences (which are defined as absences of three days' duration or less and which are covered by the employee's declaration only) shall not be allowed with pay in excess of eight days in any fiscal year on account of the illness of an employee or on account of illness in family. If the eight day limit is exceeded, a medical certificate shall be furnished, otherwise, no further pay will be allowed for such absences unless, on the employee's written request, they are charged to annual leave, provided that, if in exceptional cases it may be considered advisable to take administrative action on evidence in a form other than the certificate of a duly qualified medical practitioner the matter shall be referred, with full particulars, by the department concerned to the Department of National Health and Welfare, for consideration and advice.

69B. (1) Sick leave accumulated under the provisions of paragraph (a) of section 67 of these regulations may be allowed as earned.

(2) Special leave shall not be allowed during the first six months' service except as provided in subsection (3) of this section, but special leave shall be allowed to accumulate during that time and may be applied to the credit of employees at the expiration of the six months' service.

(3) An employee whose household has been placed under quarantine and who is forced to be absent from work by order of the Medical Health Officer in accordance with the laws regarding communicable diseases, may be granted special leave with pay during the first six months' service to the extent of his accrued special leave credit.

(4) Except as provided in subsections (1) and (3) of this section, no employee shall be granted leave with pay of any kind during the first six months of service.

(5) In the case of persons employed by the season the second and succeeding seasons shall be considered as continuous service for the purpose of this section.

69C. Furlough leave up to a limit of thirty days may be granted by the deputy head of the department with the approval of the Commission, to permanent employees who have completed twenty years of continuous service, provided the employee has not been granted leave for an extended trip within the preceding ten years, and provided also that he has thirty days' accumulated special leave to his credit; furlough leave not, however, to be charged against this credit. Leave under this section may be granted only



**Civil Service Act—continued**

in cases where a certificate is furnished by the deputy head of the department that the employee concerned has rendered meritorious service and has had a satisfactory leave record. Furlough leave in all cases shall be taken in one continuous period.

69d. (1) Notwithstanding any other regulations regarding leave, educational leave may be granted as provided hereunder.

(2) Where, after the provisions of the regulations have been carried out, it has not been found possible to obtain a qualified person for a specialized position, and it is considered by the Commission that an employee could, after further special training at a university, perform the duties of the position efficiently, such employee may be selected by the Commission and, if he is willing to undertake the training, he may be directed by the deputy head to attend the necessary university course and shall, while in attendance at the university, be given leave of absence with pay at the rate he would otherwise receive. Provided, however, that

(a) the provisions of this section shall apply in exceptional circumstances only, and only after the Commission is satisfied that the position cannot be filled by any other practical means;

(b) such leave of absence with pay may be granted for a period of one year or less, but further leave with pay may be granted if, in the opinion of the Commission, it is in the best interests of the Service.

(3) Where courses are provided at a university as refresher courses, or courses of special instruction to benefit civil servants, and the deputy head considers that the work of the department would be rendered more effective by the attendance of selected employees at such courses,

(a) leave of absence with pay for a period up to three months may be granted, on the written request of the deputy head to the Commission;

(b) the tuition fees of the selected employee may be paid as required;

(c) the living expenses of the employee may be paid while he is in attendance at the university.

(4) Subject to the provisions of subsection five, leave without pay for the purpose of attending university may be granted on the recommendation of the deputy head and with the approval of the Commission, to selected employees who have had at least one year's continuous service if,

(a) arrangements are made for the continuance of the employee's work; and

(b) it is considered that the proposed course will be of material assistance to the employee in increasing his efficiency and gaining advancement in the service.

(5) In the case of a university graduate who desires to pursue a planned course of post graduate study, the requirement of one year's continuous service may be waived where the Commission considers such action to be in the public interest.

(6) The deputy head may grant leave of absence with pay to selected, qualified employees to attend scientific and professional conventions and all or part of the expenses of the employee may be paid, provided that the convention is considered to have a training or educational value for the employee concerned.



**Civil Service Act—continued**

70. All leaves of absence granted during the preceding calendar month by the deputy head of a department, and all absences without leave during the preceding calendar month shall be reported to the Commission on the 15th day of each month, a duplicate of this report being attached to the pay list as required by the Auditor General.

71. No leave of absence with pay except such as may be granted by or under statutory authority or under section 68 (2) of these regulations shall be granted to employees who are receiving prevailing rates of pay.

72. (1) Employees who are transferred from one department to another may carry their leave with them subject to the convenience of the department to which they have been transferred; such employees upon leaving a department shall obtain a statement of the balance of the leave to which they are entitled for presentation to their new department.

(2) When an employee who has hitherto been occupying a position in the Government Service not subject to the provisions of the Act is brought under the Act by new appointment without any break in service, the whole period of the employee's service which has been continuous shall be taken into consideration by the Commission for the purpose of furnishing the employee with appropriate leave credits in accordance with these regulations.

73. (1) A deputy head may grant retiring leave or a cash gratuity in lieu thereof to an employee who is being retired, but such grant may not in any case exceed the maximum amount of retiring leave or cash gratuity specified hereunder, nor shall it in any case exceed the unexpended portion of the employee's accrued sick and special leave:

## MAXIMUM RETIRING LEAVE OR CASH GRATUITY

	Employees retired by reason of age or ill health, or laid off	Other Retirements
<i>Years of Service</i>	<i>Retiring leave or Cash Gratuity</i>	<i>Cash Gratuity only</i>
	(in months)	(in months)
2 and under 5.....	1	1
5 and under 10.....	2	2
10 and under 15.....	3	3
15 and under 20.....	4	3
20 and under 25.....	5	3
25 and over.....	6	3

(2) A cash gratuity shall consist of salary at the rate in effect on the employee's last day of active service for the period indicated, less the amount, if any, of the immediate allowance set under the provisions of the Public Service Superannuation Act.

(3) Retiring leave or cash gratuity shall be based on continuous service uninterrupted by any period of retiring leave, but in the case of

(a) a permanent employee who has been laid off and is subsequently reappointed to the Service, or

(b) a temporary employee who has been laid off and who, within three months of such layoff, is reassigned to the Service,

**Civil Service Act—continued**

subsequent service other than service subsequent to the granting of a gratuity under this section shall be added to previous service for the purpose of computing the retiring leave for which the employee may at the time be eligible, less the amount, if any, of retiring leave previously used.

(4) Unused retiring leave may not be carried forward when the employee is re-employed in the Service.

(5) Retiring leave or cash gratuity shall not be granted to an employee whose service is terminated because of inefficiency or misconduct.

(6) An employee who elects to retire at the age of sixty and is granted retiring leave under this section, may commence his retiring leave before attaining the age of sixty years whenever the deputy head is satisfied that such would be in the public interest; provided that the leave so granted terminates not earlier than the day preceding the employee's sixtieth birthday.

(7) After August 1, 1957, no retiring leave shall be granted under this section, but the provisions relating to a cash gratuity on retirement shall continue in effect.

74. Leave without pay may be granted by the deputy head of the department for periods of not more than one month, and by the Commission for periods of over one month. All applications for leave without pay over one month must be recommended by the deputy head of the department, with a certificate that the interests of the Service are conserved thereby or that the said leave is necessary as an extension of sick leave beyond the limits of leave with pay.

75. Vacation leave must be taken during the year in which it is earned with the following exceptions:

- (a) employees in outlying districts where geographic conditions render it impossible to take leave in each year, may be allowed to accumulate vacation leave until such time as the department is prepared to allow the full amount to be taken;
- (b) where the exigencies of the Public Service make it impossible or inexpedient for a department to grant to an employee the full amount of vacation leave for which he is eligible in any year, the deputy head may request the employee in writing to forego such leave or any part thereof for that year and, in such case, may authorize the leave or part thereof to be added to the employee's leave for the next fiscal year but no addition of more than eighteen days shall be made to the vacation leave of an employee in any one fiscal year under this paragraph;
- (c) if, in the opinion of the Commission, certain cases merit more generous treatment in the way of accumulation of vacation leave, provision therefor may be made by the Governor in Council on the recommendation of the Commission.

76. Leave obtained fraudulently will be considered as sufficient ground for the deputy head of the department to recommend the dismissal of the employee from the Service.

*Salary Increases*

77. Salary increases under section 13 of the Act shall be granted by the deputy heads to such employees only as occupy positions to which the provisions of the Act apply.

**Civil Service Act—continued**

78. (1) Recommendations for salary increases shall be submitted by the branch heads to the deputy minister within the three months immediately preceding the quarterly date on which they fall due with a signed statement that the employees concerned have rendered meritorious service and have increased their usefulness in the service; where an increase is recommended for an employee who has not been on active duty for at least ten months subsequent to the date of his last increase, the grounds upon which the increase is recommended shall be clearly indicated and the case shall be brought to the attention of the Minister.

(2) A report on the efficiency of the employees recommended for increase made out on the standard Efficiency Report Form shall accompany the recommendation to the deputy minister; such report shall be made by the employee's immediate supervisor, reviewed by the head of the branch or division in which he works and by the departmental personnel officer, and certified by the deputy minister or an officer authorized by him to act in his behalf.

(3) The Commission shall be furnished with a copy of the Efficiency Report for any employee whose increase is not granted on the date it would ordinarily fall due; in such case the employee shall be advised by the department that increase is not granted and he may appeal to the Board of Review, Civil Service Commission, Ottawa; the appeal shall contain definite and specific reasons for the belief of the employee that he has not been rated fairly.

79. No newly appointed employee shall be considered to be eligible for salary increase until the then or next ensuing quarterly date one year from the date of appointment except where otherwise expressly provided.

80. Spare.

81. An employee whose salary increase is not granted by the deputy head on the date on which it would ordinarily fall due owing to the fact that the employee has been absent, or has not rendered meritorious service and is not considered to be deserving of increase, may, after sufficient service, or if his services improve sufficiently, be granted salary increase at some succeeding quarterly date, but the quarterly date of future increases shall be thereby changed so that the increase will fall due in each succeeding year on the quarterly date from which it was last granted.

82. (1) An employee who has not reached the maximum of his class and who is promoted or reassigned to a higher class shall be considered eligible for salary increase on the date on which it would have fallen due prior to promotion or reassignment, provided that the said promotion or reassignment has not given him an increase equal to or greater than the increase for which he would have been eligible in his former class. If an increase is received in connection with promotion or reassignment which is equal to or greater than the increase for which he would have been eligible in the former class, such employee shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.

(2) (a) An employee who has been at the maximum of his class for one year or more, and who, upon promotion or reassignment, has received an increase which is equal to or greater than the rate of increase for his new class shall not be considered eligible for further salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.



**Civil Service Act—continued**

(b) An employee who has been at the maximum of his class for less than one year and who is promoted or reassigned to a higher class shall be considered eligible for salary increase one year from the date of his last increase provided that the said promotion or reassignment has not given him an increase equal to or greater than the rate of increase for his new class. If an increase is received in connection with promotion or reassignment which is equal to or greater than the rate of increase for the new class, such employee shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.

(3) Where the compensation of a class has been increased but no promotion or reassignment certificate is required, employees shall be treated in accordance with the principles laid down by subsections (1) and (2) of this section.

(4) When the salary range of a class has been revised, an employee who was at the former maximum of the class and whose salary has been adjusted to the new maximum shall, for the purpose of promotion or reassignment, be considered as having reached the maximum of his class on the date on which he proceeded to the former maximum, provided that the said revision has not given him an increase equal to or greater than the new rate of increase for the class. If an increase is received in connection with the said salary revision which is equal to or greater than the new rate of increase, such employee shall be considered as having reached the maximum of his class on the effective date of the revision of the salary range.

83. Employees occupying part-time positions shall not be considered eligible for annual increase under the provisions of section 13 of the Act, but the rate of compensation for such positions shall be determined by the Commission and the department concerned, the computation being based upon the hours of service and the duties performed, and no change shall be made in the fixed rate unless a corresponding change has taken place in these determining factors.

84. Supernumerary employees shall not be considered eligible for annual increase, under the provisions of section 13 of the Act, but an employee who is transferred from the supernumerary staff to a position on the regular establishment shall be considered eligible for annual increase on the then or next ensuing quarterly date after the completion of twelve months' service in such position, including all service since the date of last increase both prior and subsequent to his inclusion in the supernumerary list.

*Overtime*

85. (1) This section applies to overtime worked by all employees except

- (a) employees in receipt of hourly or daily rates of pay;
- (b) employees of the House of Commons, Senate or Library of Parliament;
- (c) employees for whom compensation for overtime is provided under section 86 or is otherwise provided.

(2) Employees to whom this section applies shall be given credit for overtime worked in accordance with the following conditions:

- (a) that the overtime work is performed on the written instructions of an official authorized to give such instructions by the deputy head,



**Civil Service Act—continued**

and that the employee concerned is not responsible for supervising the overtime work or is not otherwise in a position to control the duration of the period of overtime;

- (b) that in the case of an employee required to register daily the time of his arrival and departure the period of overtime work is not less than one hour and was worked either on a statutory holiday (or other day declared a holiday by competent authority) or on a normal working day;
- (c) that in the case of an employee who is not required to register daily the time of his arrival and departure, the period of overtime work was not less than three hours and was performed on a statutory holiday (or other day declared a holiday by competent authority);
- (d) that the time of arrival and departure for such overtime work is properly recorded.

(3) Leave may be granted to employees in compensation for overtime worked in accordance with subsection (2) at the rate of one-half day's leave for each three and one-half hours overtime, and this leave may be used for the same purpose and subject to the same conditions, including provision for carryover between departments, as vacation leave, sick leave, or special leave; such compensatory leave may be used for vacation leave during the fiscal year in which the overtime is worked and the following fiscal year, and may be used for sick leave or special leave at any time up to the date of separation from the Service.

(4) Where, at the close of a fiscal year, overtime credits exceeding 100 hours become unavailable for use as vacation leave under subsection (3), payment in cash may be made for those credits in excess of 100 hours at the rate of one-thirtieth ( $1/30$ ) of an employee's basic monthly salary for each seven hours of such credits.

(5) When because of the nature of special work loads or special assignments it is necessary to call on an employee or group of employees to perform overtime work at frequent intervals or for an extended period, a submission may be made to the Treasury Board requesting authority to make cash payment for such overtime at the rate specified in subsection (4).

(6) At the time an employee separates from the Service for any reason other than misconduct, overtime leave available for use as vacation leave, in accordance with subsection (3), may be treated as outstanding vacation leave and overtime leave available for sick or special leave, in accordance with subsection (3), may be used for the purpose of qualifying for retiring leave under section 73.

(7) Any accumulated leave credits earned prior to January 1, 1949, in accordance with departmental policy, which had not been expended on that date, may be carried forward and the liquidation of these credits shall be subject to the same conditions as those that were in force in the departments prior to January 1, 1949.

86. (1) This section applies to employees whose working hours are established in accordance with the provisions of subsection (2) or subsection (3) of section 88, except those employees for whom compensation for overtime is otherwise provided.

**Civil Service Act—continued**

(2) For purposes of overtime compensation the employees to whom this section applies shall be divided into the following two categories:

- (a) classes of employees who, because of the nature of the service performed, are called upon to work irregular hours as a condition of employment or whose working hours are not subject to direct supervision; and
- (b) classes of employees whose working hours can be regularly scheduled and are subject to direct supervision.

(3) The Commission shall, in consultation with the several departments, establish for each department lists of classes that fall into each of the above categories and furnish the departments with copies thereof.

(4) With respect to employees falling within category (a) of subsection (2), only time worked on a Sunday (or other day declared a holiday by competent authority) may be credited as overtime; compensation for such overtime shall be in accordance with the provisions of section 85.

(5) Upon the recommendation of a department to the Commission that is approved by the Commission and the Treasury Board, or upon a recommendation of the Commission that is approved by the Treasury Board, schedules governing overtime compensation may be established, subject to the following conditions:

- (a) a schedule of basic daily and weekly hours of work shall be specified for each class of employees;
- (b) only time worked in excess of scheduled basic daily or weekly hours of work shall be regarded as overtime;
- (c) compensation for overtime shall be given wherever practicable in the following manner:
  - (i) for overtime that brings total working hours beyond 44 but not beyond 48 in a week: straight-time compensatory leave, or equivalent cash payment if such leave cannot be given by the end of the month following the month in which the overtime was worked,
  - (ii) for overtime that brings total working hours beyond 48 in a week: compensatory leave at the rate of time and a half, or equivalent cash payment if compensatory leave cannot be given by the end of the month following the month in which the overtime was worked;
- (d) schedules established pursuant to this subsection shall in each case be made known to the employees affected.

86A. Each department shall at the close of each fiscal year furnish the Commission with a report in approved form showing, by organizational units, the amounts of overtime worked and the amounts of any cash payment, or leave with pay, given by way of compensation therefor during the fiscal year just closed, in accordance with the provisions of section 85 or section 86, or other proper authority.

*Working Hours and Attendance Records*

87. Attendance books, automatic time-registers, or other approved system of recording attendance shall be used in every department. Every officer in charge of a division, or branch, shall be responsible to the deputy head for the proper keeping of the attendance records and the observance of the regulations in this respect.

**Civil Service Act—continued**

88. (1) The working hours to be observed by employees not exempted by law or not subject to special regulations in this regard shall be thirty-nine hours a week; provided that for such ten weeks in the summer months as may be designated by the Governor in Council, the working hours shall be thirty-five hours a week.

(2) In the case of mechanics, tradesmen or unskilled labourers, the working hours shall be as far as possible those prevailing locally for that class of labour and shall be such as are prescribed by regulation or by the deputy head.

(3) Where the nature of the work or the exigencies of the Service will not admit of the observance of the working hours prescribed in subsections one and two by any employee, or by a group of employees, it shall be competent for a deputy head to fix such working hours to meet such cases as he may find necessary in the public interest; provided that the total working hours are not less than those prescribed by subsection one; and provided also that any change in the total working hours made pursuant to this subsection, shall be immediately reported to the Commission.

(4) The hours of commencement and termination of work and the period to be allowed for luncheon shall be prescribed by the deputy head and shall be reported to the Commission.

**89. Spare**

90. Every officer or employee under the rank of a deputy minister except those in exempted positions as set forth in section 91, shall register daily in person the time of his arrival and departure.

91. Each deputy head shall submit for the approval of the Commission a list of positions of an executive or administrative nature the incumbents of which, in his opinion, should be exempt from the operation of section 90, setting forth the reasons for asking exemption in each case; and the approved list of such positions shall be held to constitute the only exception to the regulations regarding the registering of attendance. Any additions to this list shall be submitted and approved in a similar manner.

92. Registers shall be accessible to officers and employees before and up to the time set for arrival and then closed; provided, however, that it shall be competent for a deputy minister to give instructions to officers in charge of attendance records to approve late arrivals in emergency cases where a sufficient excuse is offered. The registers shall not be accessible for recording departures until the proper time for ceasing work.

93. (1) Any officer or employee who arrives late shall report himself to the officer in charge of the division or branch, and shall register the time of his arrival. A report shall be made to the deputy head with respect to the conduct of any officer or employee who

- (a) fails to give a satisfactory explanation when he is late; or
- (b) is habitually irregular in the time of his arrival; or
- (c) absents himself without leave during office hours.

(2) Such reports shall be open to inspection by the Commission when required and shall be taken into consideration in connection with the promotion or salary increase of the employees concerned. It shall be competent for a deputy head after consultation with the Commission to fix a penalty to be imposed in his own department in all cases where employees are reported against under the above heads.



**Civil Service Act**—*continued*

94. (1) No employee shall be absent from duty unless reasonable cause be shown. If any employee be prevented by illness or other emergency from attending to duty, he shall immediately furnish an explanation of his absence, which shall at once be reported to the deputy head. Such employee must furnish such evidence of his illness, or the existence of such emergency, as the deputy head may consider necessary. If any employee absents himself without authority, or, if no satisfactory explanation is given by him for such absence, the deputy head may deduct from the salary of such employee his pay for each of such absences.

(2) The duties of any absent employee shall be performed by his fellow employees in such manner as the officer in charge of the division or branch may authorize or direct.

(3) Employees shall perform duty beyond the usual hours when required by the officer in charge of the division or branch to which they belong. Whenever it may be necessary to bring up arrears, or carry out any emergency work, the staff dealing with such work, or at the discretion of the deputy head, or the officer in charge of the branch, the whole staff shall be retained after the ordinary office hours until such work is completed.

*Lay-Offs*

95. When an employee holding a permanent position that is to be abolished or which is no longer required is to be laid off, the deputy head of his department shall at once notify the Commission thereof, giving the name, age, classification, and length of service of such employee, together with the date at which his lay-off is to become effective, with a statement as to whether or not he is being laid off in good standing. Such notice shall specifically state whether the employee has been rendering efficient service or otherwise and whether or not the deputy head recommends him as efficient and fit for re-employment. A statement of the duties being performed by such employee at the time of lay-off shall also be furnished by the department in cases where they differ materially from the duties of the class as outlined in the classification schedule.

96. Permanent employees who are laid off in good standing and whose efficiency and fitness for re-employment have been certified by the department in accordance with the provisions in the preceding section shall be placed on an eligible list for the class of position which they were occupying or for any other class for which they may have qualified before the date of lay-off, above all other eligibles, and shall be ranked according to their length of service. Permanent employees who are not so specially recommended shall not be considered as being laid off in good standing and shall not be entitled to have their names placed on such eligible list.

97. Should the deputy head of a department not recommend any employee so laid off as efficient and fit for re-employment he shall notify both the employee and the Commission to this effect. Such employee shall have the right to appeal to the Commission against the recommendation of the deputy head and the Commission may, after such investigation as it shall deem necessary, place the employee's name on an eligible list for re-assignment if the appeal is sustained.

98. (1) Where a permanent employee who has been laid off is re-appointed to another position, his salary upon appointment to the new



**Civil Service Act**—*continued*

position may be the minimum salary of the new class or such rate within the range as may be agreed upon by the Commission and the Department to which the appointment is made.

(2) Subject to the provisions of these regulations respecting transfers, a permanent employee who has been laid off in good standing and who is qualified to have his name placed on an eligible list may be transferred to another permanent position within the period of retiring leave.

(3) Where transfer or reassignment is effected within the period of retiring leave, retiring leave shall immediately cease and upon final separation from the Service, retiring leave may be granted as follows:—

(a) in the case of a permanent employee—under the provisions of subsection three of section seventy-three, and

(b) in the case of a temporary employee—to the extent of the unused portion of the retiring leave allowed on retirement but not exceeding the amount of the employee's accrued sick and special leave credits at the date of final separation from the Service.

99. Lay-off in the case of a permanent employee who has been laid off in good standing and re-appointed to another position shall not be regarded as a break in service, but no credit shall be given for the actual period of lay-off.

100. A permanent employee who has been laid off in good standing shall be eligible, whether before or after reassignment to another department, to enter promotion competitions thrown open to the whole Service, provided that such promotion competition is held within twelve months from the date of lay-off of such employee.

*Resignations*

101. The resignation of any employee shall be submitted in writing to the deputy head of the department accompanied by an application for such retiring leave as the employee may be entitled to receive. If the resignation is accepted the deputy head shall forward same to the Commission with a recommendation for the amount of retiring leave which he is disposed to allow, and upon the Commission's acknowledgment of same, the resignation shall be held to become effective at the expiration of the period of retiring leave approved.

102. An employee may, with the approval of the deputy head, withdraw his resignation at any time during the period of retiring leave, provided that he makes a refund of the salary which he has received while on such leave, but after the expiration of the full period of retiring leave, the employee can no longer be considered eligible for reinstatement.

103. Any employee absent from duty without leave for a period of two weeks shall be held to have abandoned his position which shall thereby become vacant, and if the department desires, immediate steps may be taken to fill the same.

104. The written resignation of an employee shall be submitted to the department at least two weeks in advance of the time when the employee desires to cease duty, otherwise the employee's claim to retiring leave may be considered as forfeited.

**Civil Service Act—continued**

*General*

105. (1) All communications from the various departments of the Public Service to the Commission, respecting appointments, classification, promotion, increase of salary, transfer, or other change in status of employees, shall be made only by the deputy heads of the respective departments, or by such persons (not exceeding one in any department) as they may especially authorize, and shall be brought to the immediate attention of the Minister of the department concerned.

(2) Except as provided in subsection (1), no person shall, directly or indirectly, solicit, or endeavour to influence a member of the Commission, or any officer thereof, with respect to the appointment of any person to the Service, or with respect to the promotion or transfer of, or an increase of salary to, any officer, clerk, or employee in the Service.

(3) Any person who, directly or indirectly, solicits, or endeavours to influence a member of the Commission or any officer thereof, in favour of his appointment, promotion, transfer, or increase of salary, shall be deemed to be unworthy of such appointment, promotion, or increase, and it shall not be accorded him, and if he is employed in the Civil Service, he shall be liable to immediate dismissal.

106. (1) Except in the case of vacancies created by death, resignation, or other causes which do not involve any addition to the staff, no application shall be made to the Commission for the creating or filling of a new permanent position until approval of such addition to the staff has been obtained from the Governor in Council. When approval has been obtained, as above provided, application may then be made to the Commission for the classification and filling of the position.

(2) Where a new temporary appointment is required, or the continuance of a temporary position beyond what appears to be a reasonable time, the Commission may require the department to obtain the authorization of the Governor in Council for such addition to the staff or for the continuance of the position before a certificate is issued.

107. Upon receipt of a requisition from a department for the appointment of additional personnel at the seat of government, the Commission, when it considers such action to be in the public interest, shall invite applications from the permanent employees of the headquarters of the various departments at Ottawa, and shall also communicate to the deputy heads of the departments the nature of the position to be filled and the qualifications required therefor, requesting the names and particulars of service of any efficient employees who could be spared for transfer, and who appear to possess the necessary qualifications for the position or positions. A period of five days shall be allowed for the filing of applications and for the receipt of replies from the deputy heads.

108. The qualifications of such applicants, together with their length of service and efficiency records, shall be examined by the Commission in conjunction with the department concerned, and the candidate found to possess the qualifications most suitable for the vacant position shall be seconded or loaned to the department where the vacancy exists for such probationary period, not exceeding two months, as may be necessary, provided that preference shall be accorded to such persons as may be dealt with under the provisions of sections 47 to 54 of these regulations.

**Civil Service Act—continued**

109. During the probationary period the position occupied by such person in his former department shall remain vacant, and if after probation he is found unsuited for his new position he shall be returned to the position from which he came.

110. If the employee so seconded proves satisfactory to the department receiving him, he shall be retained therein and an effort shall be made to so readjust the work of the branch of the department from which he came that his former position may be abolished.

111. The foregoing procedure shall only be supplementary to and shall in no way supersede the provisions of sections 47 to 64 of these regulations.

112. The foregoing procedure shall be immediately applied at the seat of government and, as opportunity permits, shall be extended as far as possible to the Service at large.

113. Any female employee in the Public Service shall, upon the occasion of her marriage, be required to resign her position.

114. Any deputy head, officer, clerk, or employee who is dismissed from the Civil Service by order of the Governor in Council on the ground of political partisanship in accordance with the provisions of section 55 of the Act, shall not be eligible to compete for the same or any other position in the Public Service for the period of one year from the date of dismissal.

115. (1) For the purposes of section 46 of the Act, as amended by the Civil Service Amendment Act, 1932, officers, clerks, or employees stationed at any point lying within the 32nd degree of latitude, either north or south of the equator, and at an altitude of less than six thousand feet above sea-level shall be considered to be stationed in a tropical country. Where a departure from this rigid geographical definition appears to be necessary or advisable, the Commission may designate specific places as tropical and communicate its decision to the departments in the form of extracts from the minutes.

(2) For the present the following places where employees of the Canadian Government are situated shall be deemed to be in a tropical country: Rio de Janeiro, Brazil; Hong Kong, China; Shanghai, China; Havana, Cuba; Cairo, Egypt; Calcutta, India; Kingston, Jamaica; Batavia, Java; Panama, Panama; Lima, Peru; Port of Spain, Trinidad.

116. An employee who was laid off and his position abolished and who was subsequently transferred to another department without having been separated from the Service by Order in Council shall be considered eligible for annual increase after transfer in the same manner as if he had continued to be employed in the department from which he was laid off, notwithstanding the fact that a period of temporary employment may have intervened between the date of lay-off and the date of transfer.

117. When, in the opinion of the deputy head and the Commission, the work of the department will not be adversely affected, an employee, who is directed to carry out a research project at a university, because of special facilities there, or to do any departmental work at a university, may be permitted to seek academic credit for further studies while at the university, provided that for such period as he is in attendance at the university, his pay shall be at the rate of one-half the salary he would otherwise receive; provided also that no temporary employee who has less than one year's service at the time he applies, shall be eligible for this privilege.



**Civil Service Act—continued**

118. No employee shall be dismissed, suspended or demoted without having been given an opportunity to present his side of the case to a senior officer of the department nominated by the deputy head.

119. Where an employee is asked to accept a lower classification as the result of reorganization within his department and on the basis of comparative rating, he shall have the right to appeal the rating.

**2. Civil Service Military Leave Regulations**

P.C. 1954-2056

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to the provisions of the Civil Service Act, is pleased to order as follows:

1. The Civil Service Military Leave Regulations, established by Order in Council P.C. 4559 of 29th August, 1951, as amended, are hereby revoked; and

2. The annexed "Civil Service Military Leave Regulations", made by the Civil Service Commission pursuant to the provisions of the Civil Service Act, are hereby approved and established in substitution for the regulations hereby revoked.

**CIVIL SERVICE MILITARY LEAVE REGULATIONS**

1. In these regulations,

- (a) "Commission" means the Civil Service Commission of Canada;
- (b) "discharge" means any honourable termination of service from a Special Force or the regular forces;
- (c) "regular forces" means any component of the Canadian Forces consisting of officers and men enrolled for continuing, full-time military service;
- (d) "Special Force" means the Royal Canadian Navy Special Force, the Canadian Army Special Force and the Royal Canadian Air Force Special Force, as constituted from time to time by the Minister of National Defence; and
- (e) "reserve forces" means the components of the Canadian Forces that are referred to in the National Defence Act as the reserve forces.

2. Any person in the Civil Service of Canada who,

- (a) holds a permanent appointment,
- (b) holds a temporary appointment and is qualified for permanent appointment in any class,



**Civil Service Act—continued**

- (c) holds a temporary appointment, is entitled to any of the statutory preferences for war service and, although not qualified for permanent appointment, has been continuously employed since prior to January 1, 1948,
- (d) holds a temporary appointment, and although not entitled to any of the statutory preferences for war service and not qualified for permanent appointment, has been continuously employed since prior to January 1, 1945, or
- (e) holds a temporary appointment effected by exemption from competition on the recommendation of the Commission,

shall be treated as being on leave of absence without pay from his civil position during any period subsequent to July 5, 1950, in which he serves,

- (i) in the Special Force,
- (ii) in the regular forces,
- (iii) in the Special Force and, subsequently thereto, in the regular forces, or
- (iv) with the regular forces, when called out for fulltime continuous duty therewith from the reserve forces,

provided, however, that the period of service in the regular forces shall not exceed three years, and that it commenced prior to July 1, 1955.

3. A temporary employee not qualified for permanent appointment, other than those employees specified in paragraphs (c), (d) and (e) of section 2, who was assigned to a position by the Commission, shall not qualify for leave of absence without pay under these regulations but may, if he has had the service referred to in paragraphs (i), (ii), (iii) or (iv) of section 2,

- (a) be permitted to compete for vacancies within six months after discharge without regard to the age limits which are normally in effect;
- (b) on discharge be assigned to a temporary position equivalent to the position occupied at the date of enlistment, subject to qualifying for permanent appointment at a later date;
- (c) be considered as having been qualified for permanent appointment at the time of enlistment with a status equivalent to the temporary employee specified in paragraph (b) of section 2, if he qualified for permanent appointment while on leave under these regulations.

4. The eligibility for appointment of any employee who qualified for leave under these regulations and whose name appears on the permanent eligible list that is valid at any time during his military service shall be maintained for at least six months from the date of discharge.

5. An employee who qualified for leave of absence under these regulations may, at the time of enlistment, be granted and paid for the annual leave which he would have earned had he remained in his civil position to the close of the fiscal year in which he enlisted.

6. Compensatory leave shall not be granted to an employee after the date of his enlistment, but any accumulated compensatory leave shall remain to the employee's credit and may be used after his return to duty in accordance with the provisions of the Civil Service Regulations.

**Civil Service Act—concluded**

7. An employee who resigns while on leave of absence under these regulations may be granted the gratuity in lieu of the retiring leave for which he would have been eligible under the provisions of section 73 of the Civil Service Regulations had he remained in his civil position.

8. Any period of leave of absence accruing to an employee under section 2 shall not affect or defer any of the following benefits for which the employee would have been eligible had he remained in his civil position:

- (a) leave of absence, except annual leave,
- (b) seniority,
- (c) salary increases, and
- (d) permanent appointment.

9. Any person who fails to return to the duties of his position or to make application to the Commission for appointment within six months of the date of his discharge or, in the case of a person discharged to the Department of Veterans Affairs for treatment, within six months of the date of his discharge from that department shall be considered to have abandoned his position and to have forfeited his eligibility for any of the benefits provided by these regulations.

**CIVIL SERVICE INSURANCE ACT. (R.S.C., 1952, c. 49)**

**Civil Service Insurance Regulations**

P.C. 1954-1693

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to section 18 of the Civil Service Insurance Act, is pleased to order as follows:

1. The Civil Service Insurance Regulations, established by Order in Council P.C. 227 of 22nd January, 1948, are hereby revoked; and

2. The annexed "Civil Service Insurance Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**CIVIL SERVICE INSURANCE REGULATIONS**

1. These regulations may be cited as the *Civil Service Insurance Regulations*.

2. In these regulations,

- (a) "Act" means the Civil Service Insurance Act;
- (b) "insurance contract", "insured" and "insurance money" have the meanings respectively assigned to these terms by the Act;
- (c) "Minister" means the Minister of Finance; and
- (d) "Superintendent" means the Superintendent of Insurance.

**Civil Service Insurance Act—continued**

3. Insurance contracts shall be signed by, or bear the lithographed or facsimile signature of the Minister, and be countersigned by the Superintendent.

4. (1) A period of thirty days grace is allowed for the payment of any premium after the first during which period the contract shall remain in full force, but if the insured dies within that period, any overdue premiums shall be deducted from the amount of insurance money payable.

(2) If, after an insurance contract has been in force for at least two years, two or more annual premiums or their half-yearly, quarterly or monthly equivalents having been paid thereon, any premium is not paid on or before its due date and remains unpaid at the expiration of a period of thirty days following its due date, the contract shall thereupon be deemed to be changed to one of paid-up insurance for such amount as the net level premium reserve under the contract, calculated according to the H.M. Mortality Table of the Institute of Actuaries of Great Britain and a rate of interest of six per cent per annum, at the due date of the unpaid premium, will purchase when applied as at that date as a single premium on the basis of the said table of mortality and rate of interest.

(3) Where a contract has been changed to one of paid-up insurance in accordance with subsection (2), and where less than five years have elapsed since the due date of the first unpaid premium, the contract may be reinstated to its original form if the insured pays all the overdue premiums and, if more than ninety days have elapsed since the due date of the first unpaid premium, also pays interest on the overdue premiums at six per cent per annum compounded annually from their respective due dates to the date of reinstatement and produces evidence of insurability satisfactory to the Minister.

(4) If the insured is no longer employed in the Public Service of Canada, whether civil or military, and if his insurance contract has been in force for at least two years, two or more annual premiums or their half-yearly, quarterly or monthly equivalents having been paid thereon, then upon surrender of the contract a cash surrender value will be paid equal to the net level premium reserve under the contract calculated according to the H.M. Mortality Table of the Institute of Actuaries of Great Britain and a rate of interest of six per cent per annum.

5. In the event of the marriage of an insured widow or spinster, the contract shall be terminated, but the insured shall be entitled to receive, on the surrender of the contract within two months after the date of termination, a cash surrender value therefor equal to the full net premium reserve thereon calculated as at the date of termination according to the H.M. Mortality Table of the Institute of Actuaries of Great Britain, and a rate of interest of six per cent per annum, or in lieu thereof, a free or paid-up insurance contract for an amount, calculated according to the said table and rate of interest, which the said reserve applied as a single premium will purchase, payable at the death of the insured.

6. Should the insured during the continuance of his contract desire to name as a beneficiary thereunder any person not theretofore named, as a beneficiary, he may with the approval of the Minister name such person



**Civil Service Insurance Act—continued**

as a beneficiary in addition to the person or persons theretofore named as beneficiaries, provided that the person so named is eligible under the provisions of the Act to be a beneficiary.

7. At the death of the insured, the person or persons claiming under an insurance contract shall furnish satisfactory proof of the death and age of the insured, unless such proof of age shall have been previously given; where previously given, the age may be admitted by writing endorsed upon the insurance contract signed by the person authorized by these regulations to sign an insurance contract.

8. If the age of the insured be understated in an application for an insurance contract, the amount payable under such contract shall be the amount which bears the same ratio to the sum assured which the premium proper to the age stated of the insured bears to the premium proper to the actual age of the insured, the stated age and the actual age being both taken as at the date of the contract; the premium proper herein referred to is the net annual premium shown by the mortality table mentioned in section 4, the rate of interest being six per cent as therein mentioned.

9. The age of the insured at his birthday nearest the date of an insurance contract shall be taken to be his age for the purpose of fixing and determining the premium payable by the insured under such contract.

10. (1) The insurance money or the portion thereof to which any beneficiary is entitled may, at the option of the insured, be made payable in whole or in part

- (a) in one sum
- (b) as an annuity-certain for a term of years,
- (c) as a life annuity to the beneficiary, or
- (d) as an annuity guaranteed for a term of five, ten, fifteen or twenty years and so long thereafter as the beneficiary may live.

(2) If option (b) or (d) in subsection (1) is chosen, and if the beneficiary dies before the specified term of years has been completed, the remaining annuity payments payable within that term shall be payable to such other beneficiary or beneficiaries as the insured may have designated for that purpose, or failing such designation, the commuted value of such remaining payments shall be payable in one sum to the beneficiary's estate.

(3) The commuted value in subsection (2) shall be determined on the basis of the rate of interest used in determining the amount of the annual payment under the annuity.

(4) Annual payments under annuities are as set forth in the Schedule hereto.

11. (1) The insured shall elect in his application the plan on which the insurance money shall be paid and shall, in respect of each beneficiary, provide that, after his death, the plan elected

- (a) shall not be varied; or
- (b) may be varied at the option of the beneficiary; or
- (c) may be varied at the option of the beneficiary with the consent of the Minister.



**Civil Service Insurance Act**—*continued*

(2) The election made by the insured in his application may be subsequently varied by declaration of the insured endorsed upon or attached to the insurance contract.

(3) A duplicate of any declaration made under subsection (2) shall be filed with the Minister at the time such declaration is made.

12. The insurance money payable under an insurance contract can be dealt with by the insured only to the extent authorized by the Act, and any attempted dealing therewith by pledge, assignment or otherwise not so authorized shall be null and void.

13. Self-destruction of the insured within two years from the date of an insurance contract is a risk that is not assumed in the contract, and should the insured die from such cause within the said period the amount payable under the contract shall be the reserve thereon calculated as in section 4.

14. The medical examiner's fee for examination and certificate shall be paid by the applicant, and upon his failure to pay the same, it may be paid by the Minister and deducted from the salary of the applicant.

15. (1) The medical examiner shall not deliver his certificate to the applicant, but shall forward the same direct to the Superintendent.

(2) Should the medical examiner, in his certificate recommend without qualification, the acceptance of the risk, the insurance contract may at once be drawn and issued in accordance with the application, but in the event of the medical examiner failing to recommend, without qualification, the acceptance of such risk, then the report and certificate of the medical examiner shall be referred to such medical practitioner at the City of Ottawa, as medical referee, as may be for that purpose designated by the Minister, and the risk shall be accepted or declined as shall be recommended by such medical referee.

(3) In every such case the fee of the medical referee shall be paid by the applicant, and upon his failure to make such payment upon being notified of the amount of such fee and to whom it is payable, the fee may be paid by the Minister and deducted from the salary payable to the applicant.

16. Fees payable to a medical examiner and medical referee shall be paid before any insurance contract is issued.

17. (1) There shall be an account in the Consolidated Revenue Fund to be called the Civil Service Insurance Account to which shall be credited all moneys received and to which shall be charged all moneys paid under the Act.

(2) The liability at the end of each fiscal year arising out of contracts entered into under the Act shall be calculated by the Superintendent of Insurance.

(3) If, at the end of any fiscal year, the liability calculated under subsection (2) is greater than the balance of the Civil Service Insurance Account at the end of such fiscal year, there shall be credited to the account and charged as an expenditure an amount equal to the excess of the liability over the balance of the account.

Civil Service Insurance Act—continued

Schedule

TABLES OF INSTALMENT DEATH BENEFITS

The sum assured, or any part thereof, may, in the case of a personal payee, in lieu of payment in one sum, be paid either (1) in equal annual instalments for any term as shown in Table A below or (2) in equal annual instalments guaranteed for five, ten, fifteen or twenty years, and as long thereafter as the payee may survive, or payable for life, as shown in Table B below. The instalments shown in the following Tables are based on a sum assured of \$1,000. For larger sums assured the instalments will be proportionate.

TABLE A

Term of Instalments	Amount of Annual Instalment	Term of Instalments	Amount of Annual Instalment	Term of Instalments	Amount of Annual Instalment
Years	\$ c.	Years	\$ c.	Years	\$ c.
2	509 81	12	102 45	22	66 54
3	346 49	13	96 29	23	64 72
4	264 89	14	91 02	24	63 06
5	215 99	15	86 48	25	61 55
6	183 43	16	82 52	26	60 16
7	160 20	17	79 04	27	58 88
8	142 81	18	75 95	28	57 70
9	129 32	19	73 21	29	56 62
10	118 55	20	70 75	30	55 60
11	109 76	21	68 54		

TABLE B

*Age of Payee	Annual Instalment payable during lifetime of Payee	Annual Instalment, payable during lifetime of Payee, guaranteed for			
		5 years	10 years	15 years	20 years
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
5	46 70	46 67	46 29	45 94	45 47
6	46 72	46 68	46 30	45 97	45 52
7	46 78	46 73	46 35	46 03	45 60
8	46 89	46 83	46 46	46 13	45 71
9	47 05	46 98	46 62	46 27	45 85
10	47 24	47 17	46 82	46 44	46 02
11	47 46	47 39	47 04	46 64	46 21
12	47 70	47 63	47 28	46 86	46 41
13	47 95	47 88	47 53	47 10	46 62
14	48 20	48 14	47 79	47 35	46 84
15	48 46	48 41	48 06	47 61	47 07
16	48 73	48 68	48 33	47 87	47 30
17	49 01	48 95	48 61	48 13	47 53
18	49 29	49 23	48 89	48 39	47 77
19	49 58	49 51	49 17	48 65	48 01
20	49 87	49 79	49 45	48 91	48 25
21	50 16	50 07	49 73	49 17	48 49
22	50 46	50 37	50 02	49 45	48 74
23	50 78	50 69	50 33	49 74	49 00
24	51 11	51 02	50 65	50 04	49 27
25	51 46	51 37	50 98	50 35	49 55
26	51 83	51 73	51 33	50 67	49 84
27	52 21	52 12	51 70	51 01	50 14
28	52 61	52 51	52 08	51 36	50 45
29	53 03	52 93	52 47	51 72	50 77

## Civil Service Insurance Act—concluded

TABLE B—Concluded

*Age of Payee	Annual Instalment payable during lifetime of Payee	Annual Instalment, payable during lifetime of Payee, guaranteed for			
		5 years	10 years	15 years	20 years
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
30	53 47	53 36	52 88	52 09	51 10
31	53 93	53 82	53 31	52 48	51 43
32	54 41	54 29	53 76	52 88	51 78
33	54 90	54 78	54 22	53 30	52 14
34	55 42	55 29	54 70	53 73	52 51
35	55 96	55 82	55 20	54 17	52 90
36	56 52	56 37	55 71	54 63	53 29
37	57 10	56 95	56 25	55 11	53 69
38	57 71	57 54	56 80	55 59	54 11
39	58 34	58 16	57 38	56 10	54 54
40	58 99	58 81	57 97	56 62	54 98
41	59 68	59 47	58 59	57 16	55 43
42	60 38	60 17	59 22	57 72	55 90
43	61 12	60 89	59 89	58 29	56 39
44	61 89	61 65	60 58	58 90	56 89
45	62 69	62 43	61 30	59 52	57 40
46	63 53	63 25	62 05	60 17	57 93
47	64 41	64 11	62 83	60 84	58 48
48	65 33	65 01	63 65	61 55	59 05
49	66 30	65 95	64 51	62 28	59 62
50	67 32	66 95	65 41	63 04	60 22
51	68 39	68 00	66 37	63 84	60 82
52	69 54	69 11	67 37	64 67	61 44
53	70 75	70 30	68 43	65 54	62 06
54	72 04	71 56	69 55	66 44	62 69
55	73 42	72 90	70 74	67 38	63 32
56	74 90	74 34	72 00	68 34	63 95
57	76 49	75 88	73 33	69 34	64 58
58	78 20	77 53	74 74	70 37	65 19
59	80 04	79 31	76 22	71 41	65 79
60	82 03	81 21	77 80	72 48	66 36
61	84 17	83 26	79 44	73 56	66 91
62	86 49	85 45	81 16	74 63	67 43
63	88 99	87 81	82 96	75 70	67 91
64	91 68	90 33	84 82	76 75	68 35
65	94 58	93 01	86 74	77 78	68 76
66	97 70	95 88	88 70	78 76	69 11
67	101 05	98 91	90 70	79 71	69 43
68	104 63	102 12	92 72	80 61	69 70
69	108 48	105 51	94 75	81 44	69 93
70	112 59	109 07	96 78	82 20	70 13
71	116 96	112 82	98 76	82 90	70 28
72	121 64	116 71	100 72	83 53	70 41
73	126 61	120 79	102 62	84 08	70 51
74	131 89	125 00	104 44	84 56	70 58
75	137 51	129 35	106 18	84 97	70 64
76	143 49	133 83	107 82	85 31	70 68
77	149 81	138 45	109 34	85 59	70 70
78	156 54	143 12	110 74	85 82	70 72
79	163 67	147 91	112 01	86 01	70 73
80	171 23	152 72	113 15	86 15	70 74
81	179 24	157 55	114 15	86 25	70 75
82	187 72	162 39	115 03	86 33	70 75
83	196 70	167 17	115 78	86 38	70 75
84	206 23	171 85	116 41	86 42	70 75
85	216 31	176 46	116 93	86 44	70 75

\* Age last birthday when the first instalment falls due.

NOTE.—The first instalment, under either table, will fall due on acceptance of proof of claim.

**COASTAL FISHERIES PROTECTION ACT. (1952-53, c. 15)**

Orders authorizing the granting of licences and entry to Canadian Atlantic ports of United States and other foreign fishing vessels enabling them to purchase bait, ice, seines, lines and other supplies and outfits, and authorizing United States fishing vessels to pass through certain parts of Canadian territorial waters in British Columbia are made annually by the Governor in Council and published in Part II of the *Canada Gazette* when made. The Order in Council in effect for 1954-55 is P.C. 1954-1586 of 19th October, 1954, published in No. 21 (Wednesday, November 10, 1954) page 1433.

**COLD STORAGE ACT. (R.S.C., 1952, c. 52)**

**Cold Storage Regulations**

P.C. 1954-2059

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Cold Storage Act, is pleased to order as follows:

1. The Regulations under the Cold Storage Act, established by Order in Council P.C. 1953-819 of 26th May, 1953, as amended, are hereby revoked; and
2. The annexed "Regulations under the Cold Storage Act" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS UNDER THE COLD STORAGE ACT**

1. These regulations may be cited as the *Cold Storage Regulations*.
2. In these regulations,
  - (a) "Act" means the Cold Storage Act;
  - (b) "Minister" means the Minister of Agriculture; and
  - (c) "public" includes members of any producers' or fishermen's co-operative association.
3. Application for cold storage subsidy shall be made in duplicate on the forms prescribed in Schedule "A" and each application shall be accompanied by the following information, also in duplicate:
  - (a) a plan of the warehouse, showing the details of the construction thereof;
  - (b) a written specification of the insulation, with detailed drawings which may be shown on the plan required by paragraph (a);
  - (c) a specification of the refrigerating machinery, or the detailed specification and tender submitted by the person or company installing the machinery and equipment;



**Cold Storage Act—continued**

- (d) a site plan, showing;
  - (i) the lengths of all property boundary lines;
  - (ii) the location of the proposed warehouse in relation to railways, wharves and highways; and
  - (iii) the location of the proposed warehouse in relation to the boundaries of the applicant's property;
- (e) a schedule of the rates which it is proposed to charge for storage;
- (f) the full name of the applicant or, in the case of a corporation, the full names of the president and secretary thereof or, in the case of a partnership, the full names of all the members thereof; and
- (g) the amount of the authorized capital, subscribed capital, and paid up capital, a list of subscribers and the amount subscribed by each, where the applicant is a corporation.

4. All applications, accompanied by the information required by section three, shall be filed in duplicate with the Department of Agriculture, Ottawa.

5. The cost of any work done or materials or equipment purchased or the amount of any liability incurred prior to the date of approval by the Governor in Council of the location, plans and specifications of the warehouse, its equipment, and the amount to be expended thereon other than in respect of the value of the site, water supply or architect's fees for preparing plans of the warehouse, shall not be included in the cost of construction for subsidy purposes.

6. No contract shall be entered into under section three of the Act unless

- (a) the refrigerated space to be provided is, in the opinion of the Minister, required in the public interest in the locality;
- (b) not more than fifteen per centum of the refrigerated space of the warehouse, other than a warehouse constructed by a co-operative association of agricultural producers, fishermen or consumers, is allocated for
  - (i) the installation of private lockers;
  - (ii) corridors necessary for access to lockers;
  - (iii) freezer space for freezing goods prior to being placed in lockers; and
  - (iv) cutting rooms or other space to be used to prepare food for storage in lockers; and
- (c) all rooms containing private lockers are wholly allocated for the installation of private lockers.

7. (1) In determining the amount expended on a warehouse built under a subsidy contract

- (a) no expenditures made for the purchase or installation of used materials or equipment, except as provided for by subsections (2), (3) and (4), shall be included;
- (b) no expenditures made for office furniture, office equipment or warehouse handling equipment, shall be included;

**Cold Storage Act—continued**

- (c) only that part of unrefrigerated space that is essential to the efficient operation of a public cold storage warehouse shall be included, but in no case shall such unrefrigerated space exceed fifty per centum of the refrigerated space;
- (d) the following unrefrigerated space only shall be deemed essential to the operation of public cold storage warehouse;
  - (i) compressor room,
  - (ii) corridors,
  - (iii) elevators,
  - (iv) office space,
  - (v) rest rooms;
- (2) where an existing building is to be converted into a public cold storage warehouse, the amount to be allowed for the cost of the building and site shall be either the purchase price or the appraised value determined by the Chief Architect, Department of Public Works, as the Minister may decide.
- (3) Where part only of an existing building is to be converted into a public cold storage warehouse the amount to be allowed for
  - (a) the cost of that part of the site on which the portion of the building to be converted is situate shall be an amount which bears the same proportion to the value of the whole site, determined as provided in sub-section two, as the area of that part bears to the area of the whole;
  - (b) the cost of the part of the building to be converted into a public cold storage warehouse shall be an amount which bears the same proportion to the value of the whole building, determined as provided in subsection two, as the cubic capacity of that part bears to the cubic capacity of the whole.
- (4) Used lumber may be included when it is to be used only for forms for concrete.
- 8. (1) Payment of a subsidy shall not be made until proper vouchers for the cost of site, building equipment and other authorized expenditures have been approved by the Minister of Agriculture.
- (2) Where the applicant for a subsidy engages a contractor to construct the warehouse on a cost-plus-basis, no subsidy shall be paid until there is produced to the Minister the invoices, paysheets, records, cancelled cheques and other documents of the contractor relating to the cost of construction and equipment of the warehouse.
- 9. Every owner or operator of a subsidized cold storage warehouse shall
  - (a) provide storage temperatures which, in the opinion of the Minister, are suitable for the products stored;
  - (b) accept unconditionally for storage at approved rates and when space is available, any fish or squid intended for bait; and
  - (c) submit such annual reports and other information as may be required by the Minister.
- 10. No owner or operator of a subsidized cold storage warehouse shall
  - (a) increase the scale of rates for storage without the approval of the Governor in Council;
  - (b) allow or agree to allow any person to have all the refrigerated space in the warehouse to the exclusion of the public; or

**Cold Storage Act**—*continued*

- (c) refuse to receive products for storage from the public on the ground of lack of space when any goods belonging to the owner or operator are stored therein.
11. Every person constructing a subsidized public cold storage warehouse under a contract made pursuant to these regulations shall, in the construction and equipping of such warehouse, observe and require the observance of the Fair Wages and Hours of Labour Act respecting fair wages and hours of labour.
12. All rights and obligations of any person, firm, or corporation owning or operating any subsidized public cold storage warehouse shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of such person, firm or corporation.
13. Every person who contravenes or fails to comply with any provisions of section nine, ten, or eleven of these regulations shall be liable on summary conviction to a fine not exceeding fifty dollars.
14. Every contract for the payment of a subsidy under the Act shall be in the form prescribed in Schedule "B".

SCHEDULE "A"

Application for a Cold Storage Subsidy

To the Minister of Agriculture,  
Ottawa.

The undersigned hereby makes application for a subsidy on a public cold storage warehouse to be erected at .....  
in the province of ..... in accordance with  
the provisions of the Cold Storage Act.

The following particulars refer to the proposed cold storage warehouse,  
namely;

Cubic capacity of space (inside measurements), if any, intended for  
the storage of fish, butter, meats or other goods at freezing temperatures  
.....

Cubic capacity of space (inside measurements), if any, intended for  
the storage of cheese, fruit or other goods at temperatures above 30  
degrees F. ....

Cubic capacity of space (inside measurements), if any, intended to  
be used as private locker storage .....  
.....

Total refrigerated space, in cubic feet (inside measurements)  
.....

Cubic capacity of space (inside measurements), if any, for other  
purposes (specify) .....  
.....  
.....

Size of building, in cubic feet (inside measurements) .....  
.....

Number of separate chambers .....

**Cold Storage Act—continued**

Principal products to be stored .....  
.....  
Materials to be used in the construction of the building .....  
.....  
Type of insulation to be used .....  
System of mechanical refrigeration to be used .....  
.....  
Capacity of refrigerating machinery, in tons of refrigeration per  
24 hours .....  
Source of water supply .....  
Estimated cost of building, equipment and water supply  
\$ .....  
Cost of site .....\$ .....  
Total estimated cost of completed warehouse .....\$ .....  
Portion of the refrigerated space of the building to be used for the  
purpose of a public cold storage warehouse .....  
.....  
Dated at ..... in the province of .....  
this ..... day of ..... A.D., 19...

.....  
(Applicant)

.....  
(Applicant)

NOTE: Where the applicant is a partnership, each partner must sign the application and where the applicant is a corporation the application must be signed by the President and Secretary thereof and sealed with the seal of the corporation.

*Certificate*

We hereby certify that no work on the construction, insulation or equipment of the proposed warehouse has been commenced and that no commitment for the purchase of either materials or equipment, with the following exceptions, .....  
.....  
.....  
has been entered into at this date .....19....  
and we further certify that the particulars set forth herein are true to the best of our knowledge and belief.

.....  
(Applicant)

.....  
(Applicant)  
(to be signed in the same manner as the  
(Application)



**Cold Storage Act—continued**

## SCHEDULE "B"

CONTRACT made in duplicate this ..... day  
 of ..... A. D. one thousand nine hundred and.....  
 .....

## BETWEEN

Her Majesty THE QUEEN, in the right of Canada, hereinafter called  
 "Her Majesty", of the first part;

## AND

.....  
 .....hereinafter called the  
 "Contractor", of the second part;

WHEREAS the Contractor has agreed to build a public cold storage  
 warehouse at ....., in the Province  
 ..... and has applied for a subsidy  
 under the Cold Storage Act;

AND WHEREAS the location and plans and specifications of the said  
 warehouse were approved by Order of the Governor General in Council  
 dated the ..... day of .....  
 A.D. one thousand nine hundred and .....

WITNESSETH that in consideration of the covenants and agreements  
 on the part of Her Majesty hereinafter contained, the Contractor covenants  
 and agrees with Her Majesty as follows:—

1. In this agreement "Minister" means the Minister of Agriculture  
 for the time being of the Government of Canada.

2. All covenants and agreements herein contained shall be binding on  
 and extend to the heirs, executors, administrators, successors and assigns  
 of the Contractor and shall extend to and be binding upon the heirs and  
 successors of Her Majesty.

3. The Contractor will build, construct and erect a public cold storage  
 warehouse at ..... in the Province  
 of ..... in and upon a site to be approved  
 by the Minister, the said warehouse to be equipped with mechanical  
 refrigeration and suitable for the preservation of all food products.

4. The said warehouse will be built in the manner required by and  
 in all respects in strict conformity with the specifications and the plans  
 approved by order of the Governor General in Council, dated the.....  
 day of ..... A.D. one thousand nine hundred  
 and ..... and of record in the Department of  
 Agriculture, and such specifications and plans are hereby declared to be  
 a part of this agreement.

5. If any question or dispute arises regarding work or materials or as  
 to the meaning or intent of this agreement, the explanation and inter-  
 pretation given by the Minister shall be received and shall be finally  
 binding and conclusive upon the Contractor.

**Cold Storage Act—continued**

6. During the construction, maintenance and operation of the said warehouse, every facility shall be given by the Contractor to the Minister, and to such other person or persons as the Minister may from time to time designate, to inspect every portion of the said warehouse, and the materials to be used in the construction thereof, and to audit the books and records of the Contractor.

7. Except as hereinafter provided the Minister will pay the Contractor a subsidy not exceeding in the whole thirty-three and one-third per cent of the amount expended and approved in the construction and equipment of the said warehouse payable upon the completion of the warehouse to the satisfaction of the Minister, and the provision therein of cold storage that, in the opinion of the Minister, is suitable for the preservation of perishable foods and food products.

8. The whole amount of the subsidy payable pursuant to this contract hereunder shall not, in any case, exceed the sum of .....

9. The Contractor, when required by the Minister, will submit such vouchers and verify the cost of construction of the said warehouse in such manner as the Minister may from time to time direct, and the Minister's decision with respect to the cost of the construction of the said warehouse, for the purpose of fixing the amount of the said subsidy, shall be final and conclusive.

10. The said warehouse shall be built and completed to the satisfaction of the Minister not later than the .....day of .....A.D. one thousand nine hundred and .....

11. The Contractor will insure the buildings and machinery on the site of the public cold storage warehouses to the full value of the buildings and machinery on the site.

12. The Contractor agrees to maintain the buildings and machinery in such a condition as, in the opinion of the Minister, will provide storage temperatures suitable for the products stored, and will keep the warehouse in a clean and sanitary condition. The Minister or a person designated by the Minister, may enter and view the state of repair and sanitary condition of the warehouse, and may require the Contractor by notice in writing to clean and repair machinery and buildings. In the event of the Contractor refusing or neglecting to repair and clean, after being so notified, the Minister or person designated by the Minister may enter upon the premises and make such repairs and do such cleaning, and may recover the cost thereof as a debt due the Crown.

13. The Contractor agrees to accept unconditionally for storage, food or food products (including any fish or squid intended for bait) at rates approved by the Governor General in Council, and agrees that he will not allow or agree to allow any person to have all the refrigerated space in the warehouse to the exclusion of the public, and agrees not to refuse to receive food or food products for storage from the public on the grounds of lack of space, when any goods belonging to the owner or operator are stored therein. Where the Contractor has accepted products for storage at a rate in excess of the amount approved by the Governor General in Council, the Minister may recover the excess as a debt due the Crown.

14. The Contractor agrees to submit annual reports and such other information as may be required by the Minister.

**Cold Storage Act—continued**

15. The Contractor will not sell the public cold storage warehouse except with the approval of the Minister.

16. Where the Minister approves the sale of the public cold storage warehouse the Contractor will comply with such terms and conditions as may be imposed by the Minister.

17. In the event of the sale of the public cold storage warehouse, without the approval of the Minister, the Contractor will repay the subsidy paid under this agreement to Her Majesty in right of Canada. In such case Her Majesty shall have a lien on the proceeds of the sale.

18. The Contractor will in the construction and equipping of the said warehouse, observe and require the observance of the Fair Wages and Hours of Labour Act respecting fair wages and hours of labour.

19. (1) In the hiring and employment of labour for the execution of this contract the contractor shall not refuse to employ or otherwise discriminate against any person in regard to employment because of that person's race, national origin, colour or religion, nor because the person has made a complaint or given information with respect to an alleged failure to comply with the provisions of this clause.

(2) If any question arises at any time as to whether or not there has been a failure on the part of the Contractor to comply with the provisions of this clause, the Minister or Deputy Minister of Labour, or any other person designated by the Minister of Labour for the purpose shall decide the question, subject to sub-clause (5), and his decision shall be final for the purpose of this contract.

(3) The Contractor shall make available his books and records to the Minister or Deputy Minister of Labour or to any person instructed by the Minister or Deputy Minister of Labour to inquire into any complaint or non-compliance with the provisions of this clause or to otherwise make inquiries as to compliance by the contractor with the provisions thereof, and shall furnish to him such additional information as may be required by him for the purposes of the inquiry.

(4) Failure of the contractor to comply with any of the provisions of this clause shall constitute a material breach of the contract.

(5) If the Contractor is dissatisfied with a decision under sub-clause (2) of this clause, he may, within thirty days after the decision was made, request the Minister of Labour to refer the question to a judge, and thereupon the Minister of Labour shall refer the question to a judge of a superior, county or district court, whose decision is final for the purposes of this contract.

20. It is agreed that in the event of a breach of this agreement by the Contractor, a remedy and damages for which is not otherwise provided in this agreement, the sum of fifty dollars in respect of each such breach shall be recoverable as a debt due the Crown from the Contractor as liquidated damages for expenses and loss of time incurred by the Minister in connection with the breach.

21. This contract is, pursuant to the Statute in that behalf, made subject to the express condition that no member of the Senate or House of Commons of Canada shall be admitted to any share or part of this contract or to any benefit to arise therefrom.

**Cold Storage Act—concluded**

In witness whereof the parties hereto have executed this contract on the day and year first above written.

SIGNED ON BEHALF OF HER MAJESTY  
BY THE MINISTER OF AGRICULTURE  
in the presence of

SIGNED BY THE CONTRACTOR  
in the presence of

(Seal)

(Seal)

**COMBINES INVESTIGATION ACT. (R.S.C., 1952, c. 314)**

No regulations have been made under this statute.

**COMPANIES ACT. (R.S.C., 1952, c. 53)**

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1. <i>Tariff of Fees</i> .....	659
2. <i>Amendment, Tariff of Fees, Part I Companies</i> .....	663

**1. Tariff of Fees**

P.C. 1954-1922

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to the Companies Act, is pleased to order as follows:

1. The following Orders in Council are hereby revoked:

Order in Council P.C. 775 of 5th April, 1897; Order in Council P.C. 958 of 23rd April, 1918; Order in Council P.C. 1979 of 18th April, 1950; and Order in Council P.C. 5157 of 3rd October, 1951; and

2. The annexed "Regulation and Tariff of Fees under the Companies Act" are hereby made and established in substitution for the Orders in Council hereby revoked.

**REGULATIONS UNDER THE COMPANIES ACT**

1. In the case of a company under Part I or a corporation without share capital under Part II the purposes or objects, as recited in its charter, shall be confined to one principal purpose and such other purposes as are reasonably incidental thereto.

2. The following tariff of fees is established.



**Companies Act—continued****FEES UNDER THE COMPANIES ACT****FEES UNDER SECTION 141***Companies under Part I*

On application for letters patent:

where the proposed capital is \$50,000 or less ..... \$100;  
 where the proposed capital is more than \$50,000 and not more than \$200,000 ... \$100 and \$1 for each \$1,000 or fraction thereof in excess of \$50,000;

where the proposed capital is more than \$200,000 and not more than \$500,000 .. \$250 and 50c. for each \$1,000 or fraction thereof in excess of \$200,000;

\*where the proposed capital is more than \$500,000 ..... \$500 and 20c. for each \$1,000 or fraction thereof in excess of \$500,000; and

where the proposed capital consists wholly or in part of shares without nominal or par value as provided by section 12, the fee shall be calculated according to the foregoing tariff and in respect of shares without nominal or par value on the basis of the amount fixed by the letters patent or supplementary letters patent for which such shares may be issued and, if no amount is so fixed, on the sum of \$100 per share.

On application for supplementary letters patent:

confirming an increase of capital ..... a fee calculated according to the foregoing tariff on the increase only (that is, the fee shall be the same as for incorporation with a capital equal to the increase);

confirming a change of corporate name .... \$50; and

for other purposes ..... \$100;

but where supplementary letters patent are effecting more than one purpose, only the greatest of the fees applicable is payable.

On a certificate of acceptance of the surrender of the charter of a company under Part I ..... \$50

\*Amended by Order in Council P.C. 1955-51 of 13th January, 1955. (See page 663)

On the filing by a company having share capital of a return under section 125:

where the capital stock is \$200,00 or less .. \$5;

where the capital stock is more than \$200,000 and not more than \$500,000 .. \$10;

**Companies Act—continued**

where the capital stock is more than  
 \$500,00 and not more than \$1,000,000 . \$25;  
 where the capital stock is more than  
 \$1,000,000 ..... \$25 and \$1 on each \$1,000,-  
 000 or fraction thereof in  
 excess of the first \$1,000,-  
 000 but not exceeding \$50  
 in all; and

where the capital stock consists wholly or  
 in part of shares without nominal or par  
 value, a fee calculated upon the capi-  
 talization of such company according  
 to the manner prescribed for computing  
 the fee for letters patent issued to such  
 company.

On filing, deposit or registration of any by-law,  
 prospectus, statement, consent, agree-  
 ment or other document, except instru-  
 ments under section 66, 67 or 68 .... \$2

*Corporations under Part II*

On application for letters patent:

for a flying club not organized for the pur-  
 pose of gain or financial profit and with  
 the concurrence of the Minister of  
 Transport ..... no fee  
 for historical, literary, scientific, artistic or  
 charitable purposes ..... \$10;  
 for carrying on co-operative activities of a  
 nature authorized by Part II ..... \$10; and  
 for any other purposes authorized by  
 Part II ..... \$100.

On application for supplementary letters patent  
 confirming a change of corporate name:

where no fee was paid on application for  
 letters patent ..... no fee;  
 where a fee of \$10 was paid on application  
 for letters patent ..... \$10; and  
 where a fee of \$100 was paid on application  
 for letters patent ..... \$50;  
 for other purposes:  
 where no fee was paid on application for  
 letters patent ..... no fee;  
 where a fee of \$10 was paid on application  
 for letters patent ..... \$10; and  
 where a fee of \$100 was paid on application  
 for letters patent ..... \$100;  
 but where supplementary letters patent are  
 effecting more than one purpose, only the  
 greatest of the fees applicable shall be pay-  
 able.

**Companies Act—continued**

- On a certificate of acceptance of the surrender of the charter of a corporation without share capital under Part II:
- where no fee was paid on application for letters patent ..... no fee;
  - where a fee of \$10 was paid on application for letters patent ..... \$10; and
  - where a fee of \$100 was paid on application for letters patent ..... \$20.
- On the filing by a corporation without share capital of a return under section 125:
- where no fee was paid on application for letters patent ..... no fee;
  - where a fee of \$10 was paid on application for letters patent ..... \$1; and
  - where a fee of \$100 was paid on application for letters patent ..... \$2.
- On the filing, deposit or registration of any by-law or other document, except instruments under section 66, 67 or 68, by a corporation without share capital:
- where no fee was paid for the incorporation of the corporation ..... no fee
  - where a fee was paid for the incorporation of the corporation ..... \$2.

FEES APPLICABLE TO COMPANIES UNDER PART I AND CORPORATIONS  
WITHOUT SHARE CAPITAL UNDER PART II

- On the registration of mortgages and other instruments under section 66, 67 or 68.. \$5
- On the inspection of the register (section 66 (8)) ..... \$1
- Exemplification ..... \$15
- Certificate of authentication ..... \$5
- Certificate of the Secretary of State or the Under Secretary of State or the Deputy Registrar General ..... \$2
- Searches:
- concerning the availability of specified corporate names ..... no fee;
  - within such categories as may be exempted by order of the Secretary of State ... no fee; and
  - other searches—each ..... \$1.

Copying (per typewritten foolscap page) ..... 25 cents

FEES FOR LICENCES UNDER PART IV

- where the capital stock of the company is \$200,000 or less ..... \$100;
- where the capital stock of the company is more than \$200,000 and not more than \$500,000 ..... \$200;
- where the capital stock of the company is more than \$500,000 and not more than \$1,000,000 ..... \$400; and

If the capital stock of the company is more than \$1,000,000 ..... \$400 and 20 cents for each \$10,000 or fraction thereof in excess of the first \$1,000,000 but not exceeding \$1,000 in all.

No regulations have been made under this statute.



**COPYRIGHT ACT. (R.S.C., 1952, c. 55)**

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1. <i>The Copyright Rules</i> .....	664
2. <i>Fees, for charges or royalties for licences for the performance in Canada of dramatico-musical or musical works in which copyright subsists</i> .....	671

**Copyright Rules**

P.C. 1954-1854

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to the Copyright Act, is pleased to order as follows:

1. The Copyright Rules, established by Order in Council P.C. 3932 of 2nd September, 1948, are hereby revoked; and
2. The annexed "Copyright Rules" are hereby approved and established in substitution for the rule hereby revoked.

**THE COPYRIGHT RULES**

1. These rules may be cited as the *Copyright Rules*.
2. In these rules
  - (a) "Act" means the Copyright Act, and
  - (b) "Commissioner" means the Commissioner of Patents.

**I. COPYRIGHT ROYALTY SYSTEM (GENERAL)**

*Notice*

3. The notice required by section 7 of the Act shall contain the following particulars:
  - (a) the name and address of the person intending to reproduce the work;
  - (b) the name of the work that it is intended to reproduce and, if necessary, a description sufficient to identify it;
  - (c) the manner in which it is intended to reproduce the work, that is to say, whether by printing, lithography, photography, or otherwise;
  - (d) the price at which it is intended to publish the work; and
  - (e) the earliest date at which any of the copies will be delivered to a purchaser.

**Copyright Act—continued**

4. Not less than one month before any copies of the work are delivered to a purchaser,

- (a) if the name and address of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice described in rule 3 shall be sent by registered mail to such owner or agent at such address; or
- (b) if such name and address are not known and cannot with reasonable diligence be ascertained the notice described in rule 3 shall be published by advertisement in *The Canada Gazette* and the advertisement shall give the particulars required by paragraphs (a) and (b) of rule 3, and shall also state an address from which a copy of the notice may be obtained.

*Payment of Royalties*

5. (1) Unless otherwise agreed, royalties shall be paid by means of adhesive labels purchased from the owner of the copyright and affixed to the copies of the work.

(2) After the person reproducing the work has given the prescribed notice of his intention to reproduce the work, the owner of the copyright shall by writing sent by registered mail intimate to him some reasonably convenient place within Canada from which adhesive labels can be obtained and on demand in writing and tender of the price the owner of the copyright shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

(3) Except as provided in these rules, no copy of the work shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto.

(4) Where royalties are payable by means of adhesive labels and at any time labels of the required denomination are not available for the reason that

- (a) after the expiration of 30 days from the date of the prescribed notice, the owner of the copyright has not as required by these rules sent to the person reproducing the work an intimation of some reasonably convenient place within Canada from which labels can be obtained; or
- (b) the owner of the copyright refuses or neglects to supply such labels within 30 days after demand duly made,

copies of the work may be delivered to purchasers without having labels affixed thereto; and the amount of royalties shall be a debt due from the person reproducing the work to the owner of the copyright, and the person reproducing the work shall keep an account of all such copies sold by him.

(5) For the purposes of this rule, "the date of the prescribed notice" means

- (a) in cases where the notice is required to be sent by registered mail, the date when the notice would in the ordinary course of post be delivered; and
- (b) in cases where the notice is required to be advertised in *The Canada Gazette*, the date of such advertisement.

**Copyright Act—continued**

(6) Where royalties are payable by agreement in any other mode than by means of adhesive labels, the time and frequency of the payment shall be such as are specified in the agreement.

(7) The adhesive label supplied pursuant to this rule shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle and each side of the label not to be greater than  $\frac{3}{4}$  inch in length; the label shall not bear the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government of Canada or for the purpose of denoting any duty payable to Canada.

**II. COPYRIGHT ROYALTY SYSTEM (Books)***Application for Licence*

6. The application for a licence required by section 14 of the Act shall be in Form A and shall be sent in triplicate by mail or by delivery to the Commissioner.

*Notice for Application for Licence*

7. The notice of an application for a licence required by subsection (4) of section 14 of the Act shall be in Form B, and

- (a) if the name and address of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, shall be sent by registered mail or, upon the request of the applicant and at his expense, by telegraph or cable to such owner or agent at such address; or
- (b) if such name and address are not known and cannot with reasonable diligence be ascertained, shall be advertised in *The Canada Gazette*, at the expense of the applicant for the licence.

8. The undertaking and security required by subsection (5) of section 14 of the Act shall be in Form C, or shall be provided by the bond of a recognized guarantee company of Canada that is approved by the Commissioner.

9. (1) The delays within which the owner of the copyright shall, after communication of the notice required by subsection (4) of section 14 of the Act, give the undertaking and security prescribed in rule 8, shall be as follows:

- (a) if the copyright owner is resident within Canada or the United States of America, two weeks;
- (b) if resident in Europe, three weeks; and
- (c) if resident elsewhere, six weeks.

(2) For the purposes of this rule, "communication of the notice" means:

- (a) in cases when the notice is required to be sent by registered mail, the date when the notice would in the ordinary course of post be delivered;
- (b) in cases when the notice is required to be advertised in *The Canada Gazette*, the date of publication of such advertisement; and

**Copyright Act—continued**

- (c) in cases where the notice is sent by telegram or cable, the date upon which such telegram or cable is delivered as certified by the sending telegraph or cable company.

*Fees*

10. A fee of ten dollars shall be paid by the applicant in respect of every application for a licence under rule 6.

11. The licences issued under section 14 of the Act may be in accordance with Form D.

*When a Licence is Granted*

12. (1) When a licence is granted, the licensee shall remit to the Commissioner by certified cheque payable at par in Ottawa four days before any copy of the book printed under licence is distributed, the balance, if any, due on payment of royalties, accompanied by a statutory declaration of the number of copies printed.

(2) When more than one edition is authorized by a licence, the licensee shall comply with the provisions of this rule in respect of the issue of each edition succeeding the first.

13. Each copy of each edition shall be marked with the number of the edition and shall bear on the title page thereof the name and address of the printer of the book.

III. COPYRIGHT ROYALTY SYSTEM (Serials)

*Application for Licence*

14. The application for a licence required by section 15 of the Act shall be in Form E, and shall be sent by mail or by delivery to the Commissioner.

15. (1) The applicant for a licence shall, before making the application, send in duplicate to the copyright owner by registered mail a draft contract in the form annexed to Form E.

(2) If within a reasonable time after the date when the contract would in the ordinary course of post have been delivered to the copyright owner, he fails to sign and to return the contract duly signed, he shall be deemed to have refused to sign it and the applicant may proceed to file his application.

16. When filing an application under rule 14, the applicant shall deposit with the Commissioner the amount of money that the applicant offered to pay to the copyright owner in the draft contract sent to him.

17. The Commissioner may

- (a) determine what is a reasonable time for the purposes of rule 15, and
- (b) fix the royalty paid by the licensee where the parties have not agreed.

18. Notice of an application for a licence under section 15 of the Act may be in Form F, and may be sent by the Commissioner to the owner of the copyright.



**Copyright Act**—*continued**Fees*

19. A fee of ten dollars shall be paid by the applicant in respect of every application for a licence under rule 14.

20. A licence issued under the provisions of section 15 of the Act may be in Form G.

## IV. COPYRIGHT ROYALTY SYSTEM

## (Mechanical Instruments)

*Notice*

21. (1) Where royalties are payable on contrivances that have been made before the 1st day of January, 1924, the notice required by section 19 of the Act shall contain the following particulars:

- (a) the name and address of the person who has made the contrivances;
- (b) the name of the work which has been reproduced and of the author, if known, and, if necessary, a description sufficient to identify the work;
- (c) the class of contrivance on which the work has been reproduced, that is to say, whether on discs, cylinders, music rolls or otherwise;
- (d) the earliest date at which any of the contrivances will be delivered to a purchaser; and
- (e) whether any other work has been reproduced on the same playing surface of a disc or on the same perforated roll or other contrivance with the work specified in accordance with paragraph (b).

(2) Where a person intends to make a contrivance, the notice required by paragraph (b) of subsection (1) of section 19 of the Act shall contain the following particulars:

- (a) the name and address of the person intending to make the contrivances;
- (b) the name of the work which it is intended to reproduce and of the author, if known, and, if necessary, a description sufficient to identify the work;
- (c) the class of contrivance on which it is intended to reproduce the work, that is to say, whether on discs, cylinders, music rolls, or otherwise;
- (d) the earliest date at which any of the contrivances will be delivered to a purchaser; and
- (e) whether any other work is to be reproduced on the same playing surface of a disc or on the same perforated roll or other contrivance with the work specified in accordance with paragraph (b).

22. Not less than 10 days before any contrivances on which the work is reproduced are delivered to a purchaser,

- (a) if the name and address of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice described in rule 21 shall be sent by registered mail or by prepaid telegraph to such owner or agent at such address; or

**Copyright Act—continued**

- (b) if such name and address are not known and cannot with reasonable diligence be ascertained, the notice described in rule 21 shall be published by advertisement in *The Canada Gazette* and the advertisement shall give the particulars required by paragraphs (a) and (b) of subrule (1) or (2) of rule 21, as the case may be, and shall also state an address from which a copy of the notice may be obtained; notice of intention to make records, perforated rolls or other contrivances for the reproduction of any number of works may be included in the same advertisement.

*Payment of Royalties*

23. (1) Unless some special agreement is made, royalties shall be paid in the following manner:

- (a) after the person making the contrivances has given the prescribed notice of his intention to sell or to make the contrivances, the owner of the copyright shall by writing sent by registered mail, intimate to him in Form H some convenient address at which payments of royalties may be made and his willingness to accept payment of such royalties in quarterly payments on the last days of January, April, July and October in each year, each such payment to include royalties on all contrivances sold during the preceding three calendar months;
- (b) if, after the expiration of ten days from the date of the prescribed notice of the intention of the person making the contrivances to sell or to make contrivances, the owner of the copyright has not notified the person making the contrivances of an address where the royalties may be paid and of his willingness to accept payment of such royalties in quarterly instalments in the manner prescribed in paragraph (a), the person making the contrivances may effect payment by depositing in any chartered bank of Canada to the credit of the Receiver General of Canada, royalties in respect of all contrivances sold by him; and
- (c) where royalties are payable in quarterly payments, the person making the contrivances shall at the time of making each payment submit to the owner of the copyright a statement
  - (i) setting out the total number of contrivances manufactured and sold during the quarterly period in question, and the total amount of royalties due to the owner therefor; and
  - (ii) certified as correct by a chartered accountant carrying on business as such in Canada.

(2) Every person proposing to manufacture contrivances under the provisions of section 19 of the Act and this rule shall file with the Commissioner a bond of a recognized guarantee company of Canada, approved by the Commissioner, in the penal sum of five thousand dollars payable to Her Majesty for the benefit of the owners of copyright, to secure the payment of all royalties.

(3) For the purposes of this rule, "the date of the prescribed notice" means

- (a) in cases where the notice is required to be sent by registered mail or telegraph, the date when the notice would in the ordinary course of post or telegraph be delivered; and

**Copyright Act**—*continued*

- (b) in cases where the notice is required to be advertised in *The Canada Gazette*, the date of such advertisement.

24. The enquiries referred to in subsection 7 of section 19 of the Act shall be directed to the owner of the copyright by name or, if his name is not known and cannot with reasonable diligence be ascertained, in general terms to "the owner of the copyright" of the work in respect of which the enquiries are made, and shall contain:

- (a) a statement of the name of the work in respect of which the enquiries are made and of the author, if known, and, if necessary, a description sufficient to identify the work;
- (b) a statement of the name, address and occupation of the person making the enquiries;
- (c) an allegation that a contrivance has previously been made by means of which the work may be mechanically performed, with the trade name, if known, and a description of such contrivance; and
- (d) an enquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

25. The enquiries referred to in subsection 7 of section 19 of the Act,

- (a) if an address of the owner of the copyright is known or can with reasonable diligence be ascertained, shall be sent by registered mail to such address, or
- (b) if such address is not known and cannot with reasonable diligence be ascertained, shall be published by advertisement in *The Canada Gazette*.

26. The prescribed time for reply to the enquiries referred to in subsection 7 of section 19 of the Act shall be:

- (a) in cases where the enquiries are required to be sent by registered mail, 14 days after the date when the enquiries would by ordinary course of post be delivered; and
- (b) in cases where the enquiries are required to be advertised in *The Canada Gazette*, 14 days after the date of such advertisement.

## V. GENERAL

27. An application for registration of copyright in a published work shall be in Form I.

28. An application for registration of copyright in an unpublished work shall be in Form K.

29. Every transaction under these rules may be carried on in writing, and it is not necessary for an applicant or his agent to attend personally at the Patent and Copyright Office unless specially called for by the Commissioner, or by these rules.

30. The Commissioner is not responsible for any allegations in, or the validity of, any document or instrument furnished to him.

31. Correspondence with the Commissioner shall be conducted only by an applicant or his agent.



**Copyright Act—concluded**

32. All documents submitted in connection with an application for registration of a copyright or for a licence must be legibly and neatly written, printed or typewritten on paper that is 8 inches wide and 13 inches long with a margin of 1 inch on the left hand side.

33. An application for registration or for a licence shall be signed

- (a) by the applicant or his duly authorized agent in the case of an individual,
- (b) by a partner in the case of a firm, or
- (c) by a director, secretary or other principal officer in the case of a corporation.

34. All communications concerning copyright shall be addressed to "The Commissioner of Patents, The Copyright Office, Ottawa, Canada".

35. (1) All remittances must be made payable at par in Ottawa and to the order of the Receiver General of Canada.

(2) All cheques sent to the Commissioner must be certified.

(3) Money sent by mail should be under registered cover and is sent at the risk of the sender.

36. The Commissioner may acknowledge enquiries but he is not required to furnish applicants or others with any information that would require a search of the public records of the Patent and Copyright Office, or with any advice on matters concerning the interpretation of the Act or these rules or concerning any other question of law.

*Forms*

Copies of the Forms may be obtained on application to the Patent and Copyright Office, Ottawa.

**2. Fees, Charges or Royalties in compensation for Licences for the Performance in Canada of Dramatico-Musical or Musical Works in which Copyright Subsists**

Section 48 (2) of the Copyright Act requires each society, association or company which carries on in Canada the business of acquiring copyrights in dramatico-musical or musical works or of performing rights therein, and which deals with or in the issue or grant of licences for the performance in Canada of dramatico-musical or musical works in which copyright subsists, to file with the Secretary of State at the Copyright Office (in Ottawa) before November 1 in every year statements of all fees, charges or royalties which it proposes during the next ensuing calendar year to collect in compensation for the issue or grant of licences for or in respect of the performance of its work in Canada. Under section 49, notice of the filing of the statements is given in the *Canada Gazette*, and as soon as practicable thereafter the statements and any objection received in response to the notice are referred to the Copyright Appeal Board. The Board then, (under section 50), considers the statements and the objections thereto, if any, and may make such alterations as it thinks fit before certifying them as the approved statements. Following certification the approved statements are published in the *Canada Gazette* and thereupon the fees, charges or royalties so certified are those that the society, association or company concerned may sue for or collect in respect of the issue or grant by it of licences for the performance of all or any of its works in Canada during the ensuing calendar year. The statements of fees, charges or royalties approved and certified by the Copyright Appeal Board for the year 1954 were published as an extra of the *Canada Gazette*, Part I of January 29, 1954.



**CRIMINAL CODE. (R.S.C., 1927, c. 36)****Regulations regarding Pari-Mutuel Betting**

1. Betting on horse races is only permitted on race tracks, which comply with the provisions of section 235 of the Criminal Code, chapter 36, of the Revised Statutes of Canada, 1927, as amended:

2. At race meetings, at which running races are held, betting will only be permitted upon the race course of any association incorporated before the nineteenth day of May, 1947, if such association has conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture at any time after the first day of January, 1938, but before the nineteenth day of May, 1947, or if the Minister of Agriculture has, before the nineteenth day of May, 1947, made a determination under subsection 2B of section 235 of the Criminal Code that the provisions of subsection one of this section and of section 227 and of subsections one and two of section 229 shall not extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by such association on a race course of another association; or incorporated after the nineteenth day of May, 1947, by special Act of the Parliament of Canada or of the Legislature of any province of Canada.

3. No such race meeting shall continue for more than fourteen consecutive days on days on which such racing may be lawfully carried on.

4. Not more than one race meeting of more than seven and not exceeding fourteen such days or two such race meetings of not more than seven such days each shall be held on any one track during any one calendar year.

5. An interval of at least twenty days must elapse between two such race meetings of seven such days, or less, held on the same track.

6. The provisions of subsection one of section 235 and of section 227 and of subsections one and two of section 229 shall not, if the Minister of Agriculture so determines in a particular case, extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by an association on a race-course of another association if the provisions aforesaid do not extend to the operation of a pari-mutuel system with respect to running races on the race-courses of both such associations and if both race-courses are in the same province.

7. Not more than eight races, on which there is betting, may be held on any one day during such race meeting.

8. Not more than three additional betting features shall be held on any one day during any such race meeting, providing the total number of races plus the special betting features is not over ten.

9. A proper proportion of the racing association's revenue from gate receipts and pari-mutuel percentages shall be given in purses to the horses taking part in the race meeting.

10. A racing association shall not permit any person to engage in bookmaking within its premises.

11. The whole race meeting must be conducted in a decent and orderly manner.

**Criminal Code—continued**

12. The official of the Department of Agriculture charged with the administration of the betting regulations, or his agent, or agents, shall have access to the race track and betting facilities etc., of the association at any time.

13. Officers appointed by the Minister of Agriculture shall, by direction of the Minister, carry out the necessary supervision of betting on horse races, and the officials of the racing associations must afford these officers every facility and supply any information they may require in carrying out this duty.

14. The cost of the supervision of betting at any race meeting shall be borne by the racing association holding the race meeting, and such charge shall be a first charge against the proceeds of such meeting.

15. Racing associations shall be required to submit statements showing gate receipts, pari-mutuel receipts, percentages retained, prize money, and such other information as may be required for the proper administration of the law in this connection. Officers of the Department must be given access to the books of the association for this purpose.

PERCENTAGES TO BE RETAINED

16. The racing association may retain percentages, as follows, of the total amount deposited on each race:

Where the total amount staked or deposited on each race is:

\$20,000 or under .....	9 per centum
Over \$20,000 but not over \$30,000, 9 per centum on \$20,000 and on the excess .....	8 per centum
Over \$30,000 but not over \$40,000, 9 per centum on the first \$20,000, 8 per centum on the next \$10,000 and on the excess .....	7 per centum
Over \$40,000 but not over \$50,000, 9 per centum on the first \$20,000, 8 per centum on the next \$10,000, 7 per centum on the next \$10,000 and on the excess .....	6 per centum
Over \$50,000, 9 per centum on the first \$20,000, 8 per centum on the next \$10,000, 7 per centum on the next \$10,000, 6 per centum on the next \$10,000 and on the excess .....	5 per centum

In addition to the above percentages, the racing association may retain the odd cents over any multiple of five cents in the returns due the bettors. The maximum amount that may be so retained in any one winning bet is four cents, no matter what the amount staked. However, payments to bettors on bets of \$5.00 or over must be in proportion to the exact amount calculated, which includes the odd cents.

17. Betting will only be permitted by means of a pari-mutuel system or a totalizator that has been approved by officers appointed by the Minister of Agriculture.

18. The said pari-mutuel system or totalizator must be operated in a fair and just manner.

**Criminal Code—continued**

19. Supervision of pari-mutuel betting will not be provided at race meetings where proper equipment for the registering of bets is not installed and where proper facilities are not provided for the bettors and the officers in charge of the supervision of betting.

20. Racing associations shall install a type of approximate odds board or such equipment that has been approved by the Department of Agriculture.

21. Racing associations with Grand Stands, Club Houses, Mutuel Buildings and Fields of a distance of 450 feet or longer shall use two approximate odds boards.

22. Racing associations must post, in view of the public, the amounts wagered on each individual horse, Straight, Place and Show, and the total amounts of these pools; also, the total amounts of the Daily Double and Quinella pools, with the number of tickets sold on the winning combinations.

23. Cameras used in connection with the photo-finish must be of a type that photographs a stationary object and the finishing line must not be drawn manually on the film or print.

24. Racing associations shall advise the Deputy Minister of Agriculture at least thirty days in advance, the dates on which they intend to hold their race meeting or meetings.

25. Racing associations extending or altering their mutuel buildings or equipment shall advise the Deputy Minister of Agriculture of such changes at least fifteen days prior to their race meeting.

**DISTRIBUTION OF POOLS**

26. *The Straight Pool* shall be calculated as follows:

Deduct the legal commissions and tax.

Divide the net pool by the amount of dollars wagered on the winning horse and pay off at result obtained.

27. *The Place Pool* shall be calculated as follows:

Deduct the legal commissions and tax.

Deduct the total value of the two winning tickets.

Allot half the net pool to each horse.

Divide by the value of tickets on horse.

Pay off result plus the purchase price of the ticket.

28. *The Show Pool* shall be calculated as follows:

Deduct the legal commissions and tax.

Deduct the total value of the three winning tickets.

Allot one-third of net pool to each horse.

Divide by the value of tickets on horse.

Pay off result plus the purchase price of the ticket.

**DEAD HEATS**

29. When two horses finish in a dead heat for first place, and the heat is not run off, the straight pool is to be calculated as a place pool.

**Criminal Code—continued**

30. Should three horses finish in a dead heat for first place, and the heat is not run off, the straight pool and the place pools are to be calculated as show pools.

31. Should two horses finish in a dead heat for second place, and the heat is not run off, the pool shall be calculated as follows:

Deduct the legal commissions and tax, and the value of the winning tickets.

Divide net pool in two.

Allot half the pool to the horse finishing first and the remaining half divided between the two horses finishing second.

Divide portions allotted to each horse by the value of tickets sold on such horse.

Pay off result plus purchase price of the ticket.

32. Should two horses finish in a dead heat for third place, and the heat is not run off, the pool shall be calculated as follows:

Deduct the legal commissions and tax, and the value of the winning tickets.

Divide net pool in three.

Allot one-third to each of the horses finishing first and second.

The remaining third to be divided equally between the two horses finishing third.

Divide portions allotted to each horse by the value of tickets sold on such horse.

Pay off result plus the purchase price of the ticket.

STEEPLECHASE AND HURDLE RACES

33. In the event of three horses not finishing in a steeplechase or a hurdle race, the pools shall be calculated as follows:

Should only one horse finish in a race, the place pool is to be calculated as a straight pool and divided among those holding place tickets on the winning horse; the show pool is to be calculated as a straight pool and divided among those holding show tickets on winning horse.

Should only two horses finish, the show pool is to be calculated as a place pool and divided among those holding show tickets on the horses finishing first and second.

34. Should an error occur and the figures entered on the calculator's sheet are changed, the change must be initialled by one of the Department's supervisors.

REFUNDS

35. Should a horse be excused from starting in a race, all monies wagered on such horse shall be refunded.

36. Any refunds made on winning, unexchanged First Half Daily Double tickets must be at the expense of the Association, and such amounts must not be deducted from the pool.

37. Should the doors at the front of any stall gate fail to open when the Starter dispatches the field, thereby causing a horse to be "left",



**Criminal Code**—*continued*

the Starter shall immediately report the name of the horse to the Stewards, and the Stewards shall order the money wagered on such horse deducted from the pool and refunded to the purchasers of tickets on that horse.

If one horse of an entry, or one of the horses grouped in the field, leaves the gate, there shall be no refund on the entry nor on the field.

## MINUS POOL

38. Should a minus pool occur, the racing association shall pay the purchase price of the ticket, plus at least 5 cents.

## UNDERPAYMENTS

39. Should an underpayment to the public occur, a cheque for the amount of such underpayment is to be collected from the association by the officer in charge at the end of the racing day.

## RULES COVERING THE DAILY DOUBLE

40. Mutuel tickets for each race of the Daily Double must be printed separately.

41. Should there be no tickets sold on the winner of the first half of the Daily Double, those holding tickets on the horse finishing nearest the winner shall exchange tickets for their choice in the second half of the Daily Double.

42. Should there be no tickets exchanged on the winner of the second half of the Daily Double, the pool shall be divided among those holding tickets on the horse finishing nearest to the winner.

43. Should there be a Dead Heat in the first half of the Daily Double, and the heat is not run off, tickets on the two horses in the dead heat are to be exchanged at separate wickets for any choice in the final half and the pool calculated as a place pool.

44. Should there be a dead heat in the final half of the Daily Double, and the heat is not run off, the pool is to be calculated as a place pool.

## RULES COVERING THE QUINELLA

45. All associations operating the Quinella Feature bet must use one calculator to every four sellers' wickets not recorded when the Cease Betting Bell stops ringing.

46. Should there be no tickets sold on the winning combination, the pool is to be divided among holders of tickets on the nearest combination.

47. Should there be a dead heat for first place in the race on which the Quinella Feature is operated, and the heat is not run off, the pool is to be divided among holders of tickets on the two horses in the dead heat.

48. Should there be a dead heat for second place in the race on which the Quinella Feature is operated, and the heat is not run off, the pool is to be calculated as a place pool, and divided among holders of tickets on the two winning combinations.

**Criminal Code—concluded**

49. In the division of the Daily Double and the Quinella pools, the pool must be divided by the number of winning tickets and not reduced to the dollar basis, except when the pool is calculated as a place pool.

50. The Daily Double and Quinella pools shall be treated as entirely separate pools from the race pools and calculated accordingly.

51. Rulings covering the distribution of the Daily Double and Quinella pools, as to dead heats, no winning tickets, etc., must be shown on the daily race program.

**HANDICAPPING CONTESTS**

52. Associations operating handicapping contests must not operate these contests in connection with the pari-mutuel system in any way and no advertisements nor notices may be posted in or near the pari-mutuel equipment or included in the daily race program.

**CLOSING OF BETTING**

53. At race meetings, where the pre-printed tickets system of betting is operated, all betting must cease and no further amounts deposited when the horses, on their way to the post in any and every race, have reached a distance one-eighth of a mile from the starting point, or such other distance from the post as the Minister of Agriculture may determine. The horses on their way to the post must be walked the last one-eighth of a mile.

54. At race meetings, where the electric totalizator is operated, all betting must cease when the horses are in the starting gate.

55. Where betting is conducted in Club Houses, Field Enclosures, Centre Fields and Paddocks, such betting must cease, when the horses, on their way to the post in any and every race, have reached a distance determined by the officers of the Department of Agriculture.

56. Racing associations must have the switches, controlling the cease betting signals, located in the judges' stand.

57. The officer in charge of the supervision of betting is to have complete charge of the said controls.

58. In the event of any of the above regulations not being carried out the officers of the Department of Agriculture have the power, under the law, to order that betting be suspended for such time as the Department may deem advisable.

Dated at Ottawa this 26th day of February, 1948.

J. G. GARDINER,  
*Minister of Agriculture.*

**CROWN LIABILITY ACT. (1952-53, c. 30)****Crown Liability (Provincial Court) Regulations**

P.C. 1954-1687

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to section 22 of the Crown Liability Act, is pleased to make the annexed "Crown Liability (Provincial Court) Regulations", and they are hereby made and established, accordingly.

**CROWN LIABILITY (PROVINCIAL COURT) REGULATIONS**

1. These regulations may be cited as the *Crown Liability (Provincial Court) Regulations*.

2. In these regulations,

- (a) "Act" means the Crown Liability Act;
- (b) "Attorney General" means Attorney General of Canada;
- (c) "court" means the court having jurisdiction under Part II of the Act to hear and determine the claim in respect of which the proceedings have been taken;
- (d) "Deputy Attorney General" means Deputy Attorney General of Canada;
- (e) "plaintiff" includes a party claiming against the Crown in third party proceedings; and
- (f) "provincial rules" means the rules of practice and procedure of the court.

3. These regulations apply to proceedings taken in a provincial court under Part II of the Act and to proceedings that are, by section 23 of the Act, deemed to have been taken in a provincial court under Part II of the Act.

4. (1) The Crown's address for service in every action is "The Deputy Attorney General of Canada, Department of Justice, Ottawa, Ontario" and no statement, affidavit, notice or other document in an action has been validly served unless it has been served in the manner provided by section 21 of the Act or service thereof has been accepted by an agent duly authorized to act for the Attorney General in the particular action.

(2) Service of a writ or other document may be effected in the manner provided by section 21 of the Act, without special order, even though the proceedings are being, or have been, taken in a court outside Ontario.

5. (1) Where the provincial rules provide for an appearance by a defendant within a limited time and the Attorney General has not filed

**Crown Liability Act—continued**

an appearance, or otherwise appeared as provided, before the expiration of the time limited, he shall be deemed to have filed an appearance or otherwise so appeared immediately before the expiration of that time.

(2) The Attorney General may file his defence or other reply, and counterclaim if any, within

- (a) thirty days from service of the statement of claim or other document setting out the nature of the plaintiff's claim, or
- (b) the time provided by or under the provincial rules,

whichever is the greater, or within such further time as may be allowed by the court or a Judge thereof.

(3) In a proceeding instituted in the Province of Quebec, the Attorney General may urge any preliminary exception in the manner provided by Article 164 of the Code of Civil Procedure of Quebec, but, for the purpose of this subsection, Article 164 shall be read as though the period of three days provided for therein were thirty days.

6. (1) Where there is a judgment or an order of a court against the Crown for the payment of money for costs or otherwise, a Judge of the court, or the Registrar, Clerk or Prothonotary of the court, or a deputy of any of them, shall, upon the request of the party in whose favour the judgment or order was made, after the judgment or order has been formally made a judgment or order of the court,

- (a) forthwith, if no appeal is allowed by law from the judgment or order,
- (b) upon the expiration of the time allowed by law for an appeal from the judgment or order, if no appeal has then been instituted and no application has been made for an extension of time for appeal,
- (c) upon the final disposition of the claim, if there has been an appeal from the judgment or order,
- (d) upon the dismissal of an application for an extension of time for appeal from the judgment or order or upon the expiration of time granted on such an application without an appeal having then been instituted, or
- (e) at such earlier time as the Attorney General files a notice that he does not intend to appeal,

unless the judgment or order has been quashed on appeal, certify to the Minister of Finance the tenor and purport of the judgment or order (as varied on appeal, if it has been so varied); and such certificate shall be, by the party in whose favour the judgment or order was made, transmitted to, or left at, the office of the Deputy Attorney General in Ottawa.

(2) For the purposes of this section, a certified copy of a judgment, or a certified copy of a judgment read with a certified copy of a taxed bill of costs, shall be accepted as a certificate of the judgment.

7. Where, under the provincial rules, there is provision under which, if the action were an action between a corporation (other than an agency of the Crown) and another person, an officer or servant of the corporation could be examined for discovery, such officer or servant of the Crown (or of the agency of the Crown that is a party to the proceedings) as may be



**Crown Liability Act—continued**

designated for the purpose by the Deputy Attorney General may be examined for discovery subject to the same conditions and with the same effect as would apply to the examination for discovery of an officer or servant of a corporation.

8. (1) Where, under the provincial rules, the Attorney General or an agency of the Crown would, if the Crown were a private person, be required to file an affidavit of documents, the Deputy Attorney General shall, subject to the same conditions as apply between subject and subject, file a list of the documents relating to the matter of which he has knowledge (other than documents which in the opinion of a Minister of the Crown it would be contrary to public policy to list) within

- (a) the period of sixty days from the date of service on him of the notice requiring such list to be filed, or
- (b) the time allowed by the provincial rules for filing an affidavit of documents,

whichever is the greater, or within such further time as may be allowed by the court or a judge thereof.

(2) Where, under the rules of the court, a party would be entitled to obtain production for inspection of any document or a copy of any document as against or from the Crown, if the Crown were a private person, such production for inspection or copy may be had

- (a) with the consent of the Deputy Attorney General, or
- (b) except where objection has been made by a Minister of the Crown on grounds of public policy, under order of the court or a judge thereof after consideration has been given to any objection that would be available to the Crown if the Crown were a private person.

9. (1) The Attorney General may, at any stage of the proceedings, file in the appropriate office of the court a confession of judgment either for a part or the whole of the claim against the Crown.

(2) The plaintiff may, at any time within thirty days after he has received notice of a confession filed under subsection (1), file, and serve on the Deputy Attorney General, a notice in writing of his acceptance or his refusal of such confession of judgment, and, in the event of acceptance, the court or a judge may order that judgment be entered accordingly with such provision as to costs as the court or the judge deems just in the circumstances.

(3) If the plaintiff has given notice within the time limited by subsection (2) to the Deputy Attorney General of his refusal of a confession of judgment, or if he has not given any notice under subsection (2) within the time limited therefor, the matter shall be determined in the ordinary manner.

(4) If, on the final disposition of an action in which a confession of judgment has been made and has not been accepted, the plaintiff does not recover a larger sum than the one offered by the confession of judgment, the Crown, whatever the result of the action, shall be entitled to costs incurred after the date of the filing of the confession.

**Crown Liability Act—concluded**

(5) No confession of judgment filed under this section shall be accepted as evidence against the Crown, either in the action in which it was filed or in any other action or suit.

(6) No provision in the provincial rules relating to confessions of judgment has any application in proceedings under Part II of the Act.

10. (1) No matter shall be brought on for trial, without the consent of the Deputy Attorney General, unless at least thirty days' notice of trial has been given to the Deputy Attorney General.

(2) Not less than fourteen clear days' notice of every motion or application to a judge or a court in which the Crown is interested shall be given to the Deputy Attorney General in the manner provided by section 21 of the Act.

(3) Where, by or under the provincial rules, the Attorney General or an agency of the Crown would, if the Crown were a private person, be required or permitted to do anything in relation to any matter not expressly dealt with in these regulations, within a limited time, a period of thirty days shall be added to the time otherwise allowed for doing that thing.

11. No order for security for costs may be made against the Crown.

12. Rules of the court relating to taxation of costs between solicitor and client have no application as between the Attorney General and his agents.

**CURRENCY, MINT AND EXCHANGE FUND ACT.**

(R.S.C., 1952, c. 315)

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**1. Trial of the Pyx Regulations**

P.C. 1954-1498

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to section 18 of the Currency, Mint and Exchange Fund Act, is pleased to order as follows:

1. The Regulations for the examination and test of the coins of the currency of Canada, established by Order in Council P.C. 5689 of 8th November, 1949, are hereby revoked; and

**Currency, Mint and Exchange Fund Act—continued**

2. The annexed "Regulations relating to the Trial of the Pyx" are hereby made and established in substitution for the regulations hereby revoked.

## REGULATIONS RELATING TO THE TRIAL OF THE PYX

1. These regulations may be cited as the *Trial of the Pyx Regulations*.
2. There shall be set apart one coin from each seven hundred and twenty ounces, troy, or part of seven hundred and twenty ounces, troy, of silver coin ready for issue delivered by the Coining and Medal Division of the Mint to the Mint Office at any one time.
3. The silver coins set apart under section 2 shall be kept together in packets and the packets shall forthwith be sealed at the Mint Office and there shall be endorsed on each packet the denomination and number and the date of receipt of the coins in the packet.
4. The sealed packets mentioned in section 3 shall remain in the custody of the Mint Office until the time fixed by section 5 for the production thereof for examination and test.
5. The Assay Commissioners shall meet on the first Tuesday in May in each year at the Mint to examine and test the weight and fineness of the coins in the sealed packets mentioned in section 3 set apart during the preceding calendar year.
6. The Minister of Trade and Commerce shall cause the standard weights and trial plates in his custody to be produced at the Mint at the time fixed by section 5 for an examination and test.
7. A Judge of the County Court of the County of Carleton in the Province of Ontario shall attend at the Mint at the time fixed by section 5 for each examination and test and when the Assay Commissioners appear before him he shall administer to each of them an oath in the following words:

"You shall well and truly, after your knowledge and discretion, make the assay of these moneys of silver, and truly report if these moneys are in weight and fineness according to the standard weights for weighing and testing the coins of Canada and the trial plates of pure silver used for determining the justness of the silver coinage of Canada in the custody of the Minister of Trade and Commerce and are in conformity with the Schedule to the Currency, Mint and Exchange Fund Act. So help you God."
8. When the Assay Commissioners have taken the oath provided for in section 7 they shall proceed in accordance with sections 9 to 13 to examine and test the coins in the packets mentioned in section 5.
9. The Assay Commissioners shall ascertain that the coins in each packet correspond as to denomination and number with the endorsement on the respective packets and there shall be taken from each packet as many coins as they think necessary for the purposes of the examination and test.
10. The Assay Commissioners shall weigh or cause to be weighed in their presence each of the coins taken out for purpose of examination and test so as to ascertain whether the coins are within the prescribed remedy as to weight.



**Currency, Mint and Exchange Fund Act—continued**

11. The Assay Commissioners shall, after weighing the coins taken out for examination and test, melt the coins into an ingot and shall assay each ingot comparing them with the pure silver trial plates produced by the Minister of Trade and Commerce at the examination and test so as to ascertain whether the metal is within the remedy as to fineness.

12. The Assay Commissioners shall weigh the residue of the coins contained in the packets in bulk so as to ascertain whether the coins are within the remedy as to weight.

13. The Assay Commissioners shall then take from the residue mentioned in section 12 such number of coins as they think fit and weigh them and assay them separately.

14. The Assay Commissioners shall at the conclusion of the examination and test in accordance with sections 9 to 13 report in writing to the Minister of Finance in accordance with subsection (2) of section 18 of the *Currency, Mint and Exchange Fund Act*.

**2. Gold Bullion Regulations**

P.C. 1954-1584

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to section 17 of the *Currency, Mint and Exchange Fund Act*, is pleased to order as follows:

1. The Regulations respecting the purchase and sale of gold at the Royal Canadian Mint, established by Order in Council P.C. 4269 of 9th October, 1952, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the purchase and sale of gold at the Mint" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE PURCHASE AND SALE OF GOLD AT THE MINT**

1. These regulations may be cited as the *Gold Bullion Regulations*

2. In these regulations,

(a) "deposit" means a parcel of bullion or other material containing gold;

(b) "Master" means the Master of the Mint.

3. (1) The Master may accept a deposit that is delivered to the Mint if it contains

(a) newly mined Canadian gold,

(b) old jewellery and dental scrap that has not been melted or otherwise treated to prevent its origin being readily recognized,



**Currency, Mint and Exchange Fund Act—continued**

- (c) scrap resulting from processes carried out by manufacturers and refiners in the ordinary course of their business, or
- (d) gold coin that is not legal tender in Canada.

(2) The Master shall not accept

- (a) a deposit to which subsection (1) does not apply unless the Minister has authorized him to do so,
- (b) an ingot exceeding one thousand and two hundred ounces troy, gross weight, or
- (c) a deposit that appears to him to be unsuitable for treatment by the refining process in use at the Mint.

(3) The Master is not obliged to accept any deposit and before accepting a deposit he may require the depositor to furnish satisfactory evidence as to the origin of the contents.

4. (1) Each parcel of bullion for which a separate assay is required shall be regarded as a separate deposit and all deposits that have been accepted by the Master shall be valued in the order in which they have been received.

(2) The contents of each deposit shall, as soon as may be after the deposit has been accepted by the Master, be determined and valued on the report of the Assay Division of the Mint, gold being reported to the one four-thousandth part (one-quarter millieme) and silver to the one-thousandth part (one millieme) except that, when the millesimal fineness of the bullion exceeds nine hundred and ninety, the gold shall be reported to the one-ten-thousandth part (one-tenth millieme); but the silver content of a deposit when below ten parts in one thousand shall not be reported.

(3) Where it is determined that a deposit contains less than two hundred parts of gold in one thousand by assay, or that a deposit is unsuitable for treatment by the refining process in use at the Mint, the Master shall deliver the deposit to the depositor at the Mint counter upon payment by the depositor of the Mint charges for melting and assaying.

(4) On the completion of the valuation of a deposit, the Master shall, unless the deposit is to be returned to the depositor under subsection (3), furnish the depositor with a memorandum of the out-turn of his deposit in duplicate in which shall be disclosed

- (a) the weight of the deposit before and after melting,
- (b) the assay report,
- (c) the fine gold and fine silver content of the deposit,
- (d) the gross value of the fine content at the Mint price applicable to the deposit in accordance with sections 5 and 6,
- (e) the Mint charges applicable to the deposit, and
- (f) the net value of the fine content of the deposit, being the gross value minus the Mint charges.

(5) Upon the memorandum being furnished to a depositor under subsection (4), the Minister shall pay to the depositor an amount equal to the net value of the fine content of the deposit as disclosed in the memorandum.

5. The price payable by the Minister for gold contained in a deposit that is accepted by the Master is the market price of gold in the country

**Currency, Mint and Exchange Fund Act—continued**

to which the Government of Canada is, at the time the deposit is received, exporting gold, converted into Canadian funds at the average of the buying rates of exchange for the currency of that country, reported to the Minister by the Bank of Canada at noon of the days Monday to Friday inclusive of the week during which the deposit is delivered to the Master, such price to be known as the "Mint buying price".

6. The price payable by the Minister for silver (except for the first one per cent of the weight of the deposit after melting) contained in a deposit is the average of the official New York daily quotation for fine silver for the days Monday to Friday inclusive of the week in which the deposit is delivered to the Master, converted into Canadian funds at the average of the buying rates of exchange for United States funds reported to the Minister by the Bank of Canada at noon on the days Monday to Friday inclusive of that week, but this section does not apply when the silver content does not exceed one per cent of the weight of the deposit.

7. The Mint charges, to be calculated on the gross weight of the deposit after melting, shall be as follows:

- (a) for melting and assaying,—one dollar for the first four hundred ounces or part thereof and twenty-five cents for each additional one hundred ounces or part thereof;
- (b) for refining,—when the deposit contains not more than five per cent base metal .....three cents per ounce,  
Over five per cent but not over ten per cent base metal .....three and one-half cents per ounce,  
Over ten per cent but not over fifteen per cent base metal .....four and one-quarter cents per ounce,  
Over fifteen per cent but not over twenty per cent base metal .....five cents per ounce,
- (c) handling charge to cover costs of marketing outside Canada
  - (i) newly mined Canadian gold .twenty cents per fine ounce,
  - (ii) all other gold .....one dollar per fine ounce,
- (d) on deposits which contain over twenty per cent base metal, or which require toughening or other special treatment in order to obtain concordant assays, a charge, not exceeding ten cents per ounce, to be determined by the cost of treatment;
- (e) the minimum charge for refining shall be two dollars for each deposit, and the charge for refining applies to all deposits containing by assay less than nine hundred and ninety-five parts fine gold in one thousand.

8. (1) The Master may, from time to time, sell fine gold from the Mint if the Minister has authorized him to do so.

(2) The price payable for each ounce of gold sold under subsection (1) shall be the Mint buying price per ounce established in accordance with section 5 for the week immediately preceding the week in which the gold is sold, plus ten cents.

**Currency, Mint and Exchange Fund Act—continued**

(3) The Master may issue fine gold from the Mint in part payment of the net value of the fine content of a deposit.

9. (1) Deposits may be delivered to the Mint on Monday to Friday inclusive between the hours of 9.30 a.m. and 4.30 p.m., unless such a day is a day to be observed as a holiday under the *Civil Service Act*.

(2) All deposits that are tendered to the Minister for purchase by him shall be delivered to the Master at the Mint counter, free of all charges.

(3) Where a package is received at the Mint by mail or carrier, it shall not be opened until an invoice setting out the description and weight of the contents has been received by the Master and where there is a discrepancy between the actual and invoice weights of a deposit, the deposit shall not be further dealt with until the Master has notified the depositor of the discrepancy and has received further instructions from the depositor.

(4) Gold sold by the Minister shall be delivered at the Mint counter at Ottawa to the purchaser or a carrier or other agent acting on behalf of the purchaser.

(5) A deposit that is to be returned to a depositor shall be delivered, at the Mint counter at the place where the deposit is when the Master decides to return it, to the depositor or a carrier or other agent acting on behalf of the depositor.

**3. Mint Custom Refining and Storing Regulations**

P.C. 1954-1619

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Currency, Mint and Exchange Fund Act, is pleased to order as follows:

1. The Mint Custom Refining and Storing Regulations, established by Order in Council P.C. 1953-1944 of 17th December, 1953, are hereby revoked; and

2. The annexed "Mint Custom Refining and Storing Regulations" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS PRESCRIBING THE CIRCUMSTANCES UNDER WHICH AND THE  
CONDITIONS UPON WHICH GOLD WILL BE ACCEPTED AT THE  
MINT FOR CUSTOM REFINING AND STORING

1. These regulations may be cited as the *Mint Custom Refining and Storing Regulations*.



**Currency, Mint and Exchange Fund Act—continued**

2. (1) In these regulations,

- (a) "appropriate form" means the form of the instrument or document prescribed by the Minister for a particular purpose;
- (b) "designated gold" means gold produced from a mine of a producer, on or after the elected date;
- (c) "elected date" means, with respect to a producer, the first day of January, April, July or October, as the producer designates, with the approval of the Minister, in making his election in the appropriate form;
- (d) "producer" means a person or corporation engaged in producing gold from a mine who has made an election by instrument in the appropriate form delivered to the Minister;
- (e) "processor" means a person or corporation engaged in the business of processing gold in Canada who makes application and gives an undertaking in the appropriate form, and whose application has been accepted by the Minister and who has not subsequently been disqualified under section 8.

(2) The Minister shall not approve a date as the elected date in respect of a producer unless the producer has, before the expiry of thirty days from that date, delivered to the Minister an election in the appropriate form designating that date as the elected date.

3. (1) Upon application by a producer in the appropriate form the Minister may accept designated gold at the Mint for assaying, refining and storing on behalf of the producer.

(2) Where a producer, in accordance with a licence issued under the *Gold Export Act*,

- (a) ships designated gold from Canada to be smelted or refined and subsequently sells the refined gold outside Canada, or
- (b) sells designated gold to a smelter or refiner outside Canada,

at a price that, in the opinion of the Minister, does not exceed the Mint price, the Minister may, upon being satisfied that the gold has been so sold, sell to the producer an amount of gold equivalent to the amount so sold and, subject to section 4, store it at the Mint for the producer.

4. (1) Gold accepted at the Mint for assaying, refining or storing under these regulations is so accepted subject to the condition that it shall be released, in the form of fine gold (.995 fine or better), only upon application in accordance with these regulations made by or on behalf of the producer,

- (a) for sale and delivery to a processor, in an amount that, in the opinion of the Minister, does not exceed the normal requirements of the processor and if, in the opinion of the Minister, it will be used for *bona fide* industrial purposes in Canada;
- (b) for export on behalf of the producer in accordance with a licence issued under the *Gold Export Act*; or
- (c) for sale to Her Majesty at the Mint at the official price for the purchase of gold by Her Majesty at the Mint for the week in which the sale is made;

and for no other purpose.



**Currency, Mint and Exchange Fund Act—continued**

(2) Where gold is released from the Mint to a producer, pursuant to these regulations, it shall be delivered, at the Mint counter at Ottawa, to a consignee designated by the producer, or to a carrier or other agent acting on behalf of the consignee.

5. For the purpose of these regulations,

- (a) an application by a producer for sale and delivery of gold in accordance with paragraph (a) of subsection (1) of section 4 shall be in the appropriate form, and shall be accompanied by an offer to purchase gold in the appropriate form; and
- (b) an application by a producer for delivery of gold in accordance with paragraph (b) of subsection (1) of section 4 shall be in the appropriate form and shall be accompanied by the original or a photostatic copy of the import licence issued by the appropriate authority in the country of destination in respect of the proposed transaction, if such a licence is required.

6. The following Mint service charges are payable by a producer:

- (a) where gold is melted, assayed or refined for the producer at the Mint, an amount in respect of the melting, assaying or refining calculated at the rates then prescribed therefor by the *Gold Bullion Regulations* in respect of deposits of gold at the Mint, payable when billed;
- (b) one cent for every thirty days or fraction thereof (including the day on which the gold is received at the Mint but excluding the day on which it is shipped from the Mint) for each ounce of gold stored for the producer at the Mint, payable at the time of application for release of the gold or when billed, whichever is the earlier;
- (c) ten cents for each ounce of gold packed for shipment at the Mint on the direction of the producer, payable at the time of application for release of the gold; and
- (d) a handling charge of twenty cents for each ounce of gold sold to Her Majesty, payable at the time of sale.

7. The silver content of the gold bullion delivered to the Mint by a producer under these regulations may be purchased by Her Majesty at the official price for the purchase of silver by Her Majesty at the Mint for the week in which it is so purchased.

8. (1) Where a person or corporation engaged in the business of processing gold in Canada makes application and gives an undertaking in the appropriate form, the Minister may accept the application if he is satisfied that the applicant is engaged in a *bona fide* enterprise for the processing of gold and will carry out the undertaking in good faith.

(2) Where the Minister has reason to believe that a processor has failed to carry out any part of the undertaking given by him in the appropriate form, or that gold sold to a processor has been dealt with in a manner contrary to the undertaking, he may, by notice in writing delivered to the processor, disqualify the processor.

**Currency, Mint and Exchange Fund Act—concluded**

9. Notwithstanding anything in these regulations,

- (a) the Minister may designate a corporation that has adequate facilities for refining and storing gold as his agent to perform the services that would otherwise be performed at the Mint for a producer under these regulations, and may enter into such agreements as he deems necessary for the purpose; and
- (b) services may be performed by an agent designated under this section only upon such terms and conditions as the Minister prescribes and the Minister may, in his discretion, for the purposes of this section, fix such charges in lieu of those prescribed by section 6 and make such other financial arrangements as he deems advisable.

**4. Redemption of subsidiary coin**

P.C. 1954-1668

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to subsection (2) of section 8 of the Currency, Mint and Exchange Fund Act, is pleased to revoke the regulation established by Order in Council P.C. 1953-577 of 17th April, 1953, relating to the redemption of subsidiary coin, and, in substitution therefor, to make the following regulation which is hereby made and established, accordingly.

*Redemption of Subsidiary Coin*

Subsidiary coin of Canada that has been called in or that is worn, damaged or mutilated in any way but is identifiable as coin authorized for circulation in Canada as described in subsection (1) of section 6 of the *Currency, Mint and Exchange Fund Act* shall be redeemable on the following bases:

- (a) at face value if it is worn smooth by abrasion through ordinary use or, subject to paragraph (b) has been called in, or damaged by exposure to fire, heat or the elements; and
- (b) at seventy-five per cent of face value if any name, design, advertisement or other device has been stamped, impressed, embossed or engraved upon it; or if it is bent, defaced or mutilated, or reduced in weight except by abrasion through ordinary use; but if it is reduced in weight in excess of twenty-five per cent, it shall not be redeemed.

## CUSTOMS ACT. (R.S.C., 1952, c. 58)

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**1. Drawback on Goods Used in Manufacture of Wireless Telegraph Apparatus**

P.C. 17/768

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of April, 1918.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Customs, and under and in virtue of the provisions of section 286 of the Customs Act, is pleased to make the following regulations respecting drawback of Customs duty on imported goods used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, and the same are hereby made and enacted accordingly:

*Regulations*

1. When imported materials, on which Customs duties have been paid, are used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, subsequent to 1st January, 1918, there may be paid a drawback of ninety-nine percentum of duties paid on the materials so used.

Provided, however, that such drawback shall not be paid unless the duty has been paid on the materials so used as aforesaid, within three years of the date when the wireless telegraph apparatus used has been supplied to the ship equipped therewith.

2. The said drawback may be paid to the manufacturer of the wireless telegraph apparatus subject to the following conditions, viz:—

- (a) The quantity of material used and the amount of duties paid thereon shall be ascertained;
- (b) Satisfactory evidence shall be furnished in respect of the manufacture of the wireless telegraph apparatus in Canada and its installation on board the vessel equipped therewith.

3. The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the said wireless telegraph apparatus has been supplied to the vessel in Canada.



**Customs Act—continued**

The Minister may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

**2. Liquid chlorine and bleaching powder—no drawback *re* Special or Dumping Duty**

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of January, 1930.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, and under the provisions of section 286 of the Customs Act, is pleased to order as follows:

The regulation established under section 288 of the Customs Act by Order in Council of 8th August, 1924, (P.C. 1379) is hereby rescinded and the following regulation established in lieu thereof:

No drawback shall be granted in respect of special or dumping duty paid on liquid chlorine and bleaching powder (or salt used in the manufacture of these articles) used in Canada in the manufacture of goods exported.

**3. Manufacture of philosophical and scientific apparatus, utensils and instruments**

P.C. 217/2412

*Certified to be a true copy of a Minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 29th October, 1932*

The Board recommend, under the provisions of section 284, paragraph (l) of the Customs Act, that the following regulation be established:—

*Regulation*

When imported materials, including parts, on which Customs duties have been paid are used in the manufacture of philosophical and scientific apparatus, utensils, and instruments, supplied to any society or institution incorporated or established solely for philosophical, educational or scientific purposes, or for the encouragement of the fine arts, or supplied to any public hospital, college, academy, school, or seminary of learning in Canada, as provided for in tariff item 696, and used by such institutions for educational or scientific research purposes, and not for sale, there may be paid a drawback of ninety-nine per centum of the duties paid on the imported materials, including parts, so used, provided they were so used within three years from the date of importation, subject to the following conditions, viz.:—

**Customs Act—continued**

- (a) the quantity of materials, including parts, used and amount of duties paid thereon shall be ascertained;
- (b) satisfactory evidence shall be furnished in respect to the manufacture in Canada of the philosophical and scientific apparatus, utensils and instruments;
- (c) satisfactory evidence shall be furnished establishing that the philosophical and scientific apparatus, utensils and instruments, upon which drawback is claimed, have been supplied to an institution, as heretofore described, entitled to the benefits of the provisions of tariff item 696.

The claim for drawback shall be verified under oath before a Collector of Customs and Excise to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the philosophical and scientific apparatus, utensils and instruments covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim.

**4. Manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material**

P.C. 1486

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of July, 1933.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Acting Minister of National Revenue is of the opinion that it would be of benefit to Canadian industry if a drawback of duties paid on materials, including parts, used in the manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material, be authorized, inasmuch as the said articles now enter Canada free of duty under the provisions of item 691a of the Canada-France Trade Agreement;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue and under the authority of section 284, paragraph (l), of the Customs Act, is pleased to make the following regulation and it is hereby made and established:

*Regulation*

When imported materials, including parts, on which Customs duties have been paid, are used on and after the 10th day of June, 1933, and until otherwise ordered, in the manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material, there may be a drawback of ninety-nine per centum of the duties paid on the imported materials, including parts, so used, provided that they were so used within three years from the date of importation, subject to the following conditions, viz.:

**Customs Act—continued**

- (a) the quantity of materials, including parts, used and the amount of duties paid thereon shall be ascertained;
- (b) satisfactory evidence shall be furnished in respect to the manufacture in Canada of the missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material.

The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim.

**5. Double bevelled edge cold rolled steel used in the manufacture of skates**

P.C. 74/1736

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by the deputy of His Excellency the Governor General in Council, on the 28th August, 1933.*

The Board recommend that the following regulations be made and established under the provisions of paragraph (l), section 284, of the Customs Act:—

*Regulations*

When double bevelled edge cold rolled steel for skate manufacturers, of a class or kind not made in Canada, is imported and used in the manufacture of skates, in Canada there may be paid a drawback of ninety-nine per centum of the duties paid on the imported double bevelled edge cold rolled steel so used, provided it is so used within three years from the date of importation, and that drawback payable under these regulations is in lieu a drawback payable under any item of the Customs Tariff, subject to the following conditions, viz:

- (a) the quantity of materials used and the amount of duties paid thereon shall be ascertained;
- (b) satisfactory evidence shall be furnished in respect to the manufacture in Canada of the skates.

The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the skates covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim.

**6. Drawback on Spirits Exported**

P.C. 54/2388

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 23rd November, 1933.*

The Board recommend that, under the authority of section 286 of the Customs Act, section 170 of the Excise Act, and section 94 of the



**Customs Act—continued**

Special War Revenue Act, regulations be made, as follows respecting drawback of duty and taxes paid on imported spirits used in the manufacture or production of spirits exported:

*Regulations*

1. Subject to the following regulations and restrictions, there may be paid to the Canadian licensed manufacturer of distilled spirits exported, in the manufacture or production of which imported spirits have been used, a drawback of ninety-nine per cent of the duties of Customs or Excise paid and of the sales tax or special excise tax paid on the imported spirits entering into the spirits exported, and that proof satisfactory to the Minister of National Revenue shall be submitted by the claimant that the spirits claimed upon were imported spirits upon which duties and taxes had been paid, and such proof may be in the form of a certificate from a Collector or other duly authorized officer of Excise to the effect that the records of the Department show that in the manufacture or production of the spirits exported, and specially designated in such certificate, there was used a stated quantity of imported spirits.

2. Such drawback shall not be paid unless the duty has been paid on the imported spirits so used as aforesaid within three years of the date of the exportation of the spirits exported, nor unless the claims as presented at any one time aggregate ten dollars.

3. Upon the exportation of any spirits entitled to drawback, Export entries, in triplicate, in the usual form (with the words "Subject to Drawback" marked on the face of the entry) shall be filed with the Collector of Customs and Excise at the Port of exit from Canada, naming the conveyance by which, and the country or place to which the spirits are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages.

4. The claimant shall be required to supply a certificate from the proper officer of the foreign Customs that the spirits described in such export entry at Canadian Customs were in each case duly landed in such foreign country.

5. The claim for drawback shall be verified under Oath before a Collector of Customs and Excise, or Justice of the Peace, to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe. The Minister of National Revenue may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

6. The following documents shall be delivered with the claim for drawback viz:—

- (a) a copy of the import or other entry showing payment of duty on the spirits used in the manufacture or production of the spirits on which drawback is claimed. If a copy of this entry, however, has been furnished with the previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it is attached, without furnishing a further copy of the entry;
- (b) a copy of the bill of lading of the spirits exported duly certified as such by the carrier or his agent;



**Customs Act—continued**

- (c) a copy of the export entry certified by the Collector of Customs and Excise at the Port of exit where the spirits were entered for exportation from Canada;
- (d) a certified copy of the export invoice;
- (e) a certificate from the proper officer of the foreign Customs that the spirits described in such export entry at Canadian Customs were duly landed in such foreign country and duly delivered over to the Customs.

**7. Drawback *re* Imported Parts of Motor Cars and Motor Trucks to be Exported**

P.C. 121/343

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 20th February, 1934.*

The Board recommend that the following regulations be made and established for granting a drawback of 99 per cent of the Customs duties and taxes paid on imported parts of motor cars and motor trucks, to be inspected, tested, anti-rust treated or otherwise prepared, and re-packed for export, shipped on or after 1st January, 1934, separately or together with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada, for export to the United Kingdom, the Irish Free State or to any Dominion, Colony, Possession, Protectorate or Mandated Territory in the British Empire:—

*Regulations*

(1) When imported parts of motor cars and motor trucks, to be inspected, tested, anti-rust treated or otherwise prepared, and re-packed for export, are shipped on or after January 1st, 1934, separately or together with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada, for export to the United Kingdom, the Irish Free State or to any Dominion, Colony, Possession, Protectorate or Mandated Territory in the British Empire, there may be paid a drawback of 99 per cent of the Customs duties and taxes paid on the imported parts so exported.

(2) The said drawback may be paid to the exporter of the automobile parts, subject to the following conditions, viz:

- (a) the quantity of automobile parts imported and exported and the amount of duties and taxes paid thereon shall be ascertained;
- (b) satisfactory documentary evidence shall be furnished in respect to the importation into Canada and exportation therefrom;
- (c) upon the exportation of the imported parts of motor cars and motor trucks, in respect of which drawback is claimed, there shall be filed with the Collector of Customs and Excise at the Port of exit from Canada Export Entries, in triplicate, in the usual form, and shown thereon the words "subject to drawback", the name of the conveyance and the name of the country or place to which the said parts are to be exported, the quantity and description of the parts, and the markings and numbers on the packages;
- (d) the parts of motor cars and motor trucks shipped in respect of which drawback is claimed, shall be exported from Canada with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada.

**Customs Act—continued**

(3) Provided, however, that such drawback shall not be paid unless the duty has been paid on the automobile parts within three years of the date of exportation of the automobile parts, nor unless the claims as presented at any one time aggregate ten dollars.

(4) The Minister of National Revenue may also require in any case the production of such further evidence in addition to the usual averments as he deems necessary to establish the *bona fides* of the claim.

**8. Regulations in regard to the temporary admission of articles of Canadian manufacture returned for repairs**

P.C. 361

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 16th day of February, 1935.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue, is pleased to order as follows:

The regulations in regard to the temporary admission of articles of Canadian manufacture returned to be repaired in Canada and again exported established by Order in Council of 20th August, 1904, are hereby rescinded, and the following regulation is hereby made and established in lieu thereof:

*Regulation*

Articles, when imported into Canada temporarily for repairs, adjustment or to be tested, may be admitted without duty or taxes; provided that the articles are such as can be satisfactorily identified and that a deposit or acceptable bond for double the amount of Customs duty and/or taxes be delivered to the Collector of Customs and Excise as security for the exportation of the articles under Customs supervision, or the due entry thereof for consumption, within six months from the date of importation.

**9. Drawback payment to producers of gold for export**

P.C. 74/2633

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 8th October, 1936.*

The Board recommend that, under and by virtue of the powers granted by sections 284 (l) and 286 of the Customs Act, relating to payment of drawback of Customs duties; also section 94 (1) of the Special War Revenue Act, relating to payment of drawback of taxes, or any other powers thereto enabling, the following regulations be made and established.

*Regulations*

1. When imported materials, on which Customs duties, excise taxes or import sales taxes have been paid, and when domestic materials on which

**Customs Act—continued**

home consumption or sales taxes have been paid (in neither case to include fuel or plant equipment), are consumed in the production from ores, in Canada, of gold for export, delivered to the Master of the Royal Canadian Mint, Ottawa, Canada, there may be paid a drawback of ninety-nine per cent of the duties and taxes paid on the materials so used;

Provided, however, that such drawback shall not be paid unless the gold has been delivered to the Master of the Royal Canadian Mint, Ottawa, Canada, subsequent to the 1st January, 1935, nor unless the duties and taxes have been paid on the materials so used, as aforesaid, within three years of the date of such delivery.

2. The said drawback may be paid to the producer of the gold for export, subject to the following conditions:—

- (a) the quantities of materials used and amount of duties and taxes paid thereon shall be ascertained;
- (b) satisfactory evidence shall be furnished in respect of the production of the gold from ores, in Canada;
- (c) the Settlement Receipt, or sworn copy thereof, signed by the Master of the Royal Canadian Mint, Ottawa, Canada, or such officer as he may authorize, covering delivery of such gold, shall be filed with the claim, as substantiating evidence, in lieu of Customs export entry.

3. The claim for drawback shall be verified under oath before a Collector of Customs and Excise, or Justice of the Peace, to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe. The Minister of National Revenue may also require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

- 4. (a) Claims for drawbacks submitted covering gold so delivered prior to the 1st January, 1936, must be presented to the Customs with complete evidence attached on or before the 31st day of December, 1936.
- (b) Claims for drawback submitted covering gold so delivered on and after the 1st January, 1936, shall not cover gold delivered for more than one year and must be presented to the Customs with complete evidence attached within a period of six months from the date of the last delivery covered by the claim.

5. Claims for drawback under the above regulations should be made on Customs drawback form K. 15.

(Note: *Customs drawback form K. 15 mentioned in section 5 of Order in Council P.C. 74/2633 has been changed to Customs drawback form K. 32.*)

## **10. Drawback on rubber goods, manufactured and exported**

P.C. 33/185

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 28th January, 1937.*

The Board recommend that, under the powers granted by section 286 of the Customs Act, and section 94 of the Special War Revenue Act, the following regulations governing drawback of duties and taxes, respectively,



**Customs Act—continued**

paid on imported goods used in the manufacture of goods in whole or in part of rubber sold to manufacturers in Canada to be used in, wrought into or attached to articles exported, be made and established to take effect on and from the 1st April, 1937, superseding as of that date regulations made by Order in Council P.C. 8/323, dated 6th February, 1917.

*Regulations*

When goods on which Customs duties and/or taxes have been paid are used in the manufacture of goods, in whole or in part of rubber, sold to manufacturers in Canada to be used in, wrought into or attached to goods exported, there may be paid a drawback of ninety-nine per cent of the duties and/or taxes paid thereon.

- (1) The drawback may be paid to the manufacturer or producer in Canada of such goods in whole or in part of rubber.
- (2) The *General Regulations Governing Export Drawback* as from time to time established shall apply to claims hereunder as far as applicable, with the following addition, viz:  
There shall be delivered with the claim for drawback:
  - (a) A certificate signed by the exporter stating that the goods were exported as such or used in, wrought into or attached to articles exported.
  - (b) A waiver signed by the exporter of his rights to claim drawback in respect thereof.

**11. Regulations *re* drawback on goods imported for use as models for designing or copying purposes**

P.C. 95/8660

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 10th November, 1943.*

The Board recommend that authority be granted under subsection 1 (a) of section 286 of the Customs Act for drawback or refund of 90 per cent of the Customs duty and taxes paid on goods imported under regulations prescribed by the Minister of National Revenue for use as models for designing or copying purposes, on their exportation under Customs supervision within the time limit specified in the Minister's regulations, provided that the claim for drawback or refund is filed with the Collector of Customs and Excise at the port of entry within three months after the date when the export entry was passed.

**WOMEN'S GARMENTS AND HATS AND MODELS THEREOF**

Women's garments and hats and models thereof, imported by manufacturers in Canada of such garments and hats for designing and copying purposes, are subject to Customs duty and Excise taxes, which must be paid thereon in the regular manner at the time of entry for consumption, based on the fair market value thereof as established under the Customs Act.

The importers, the said manufacturers, may, however, obtain a refund of 90 per cent of the Customs duty and Excise taxes paid on such importations, subject to the following regulations prescribed by the Minister:—



## Regulations

- "The women's garments and/or hats and/or models thereof, covered by this entry, are imported and will be used for designing and/or copying purposes only in our factory located at.....  
(Address)

2. Each garment or hat shall be marked for identification purposes before it is delivered to the importer, and the marking shall be done by means of a tag bearing a sufficient description of the article, which is to be attached to the garment, hat or model thereof by a cord and lead seal, duly closed by the proper officer by means of a seal closing and marking press.
3. The cord and lead seal and tag, as aforesaid, shall be as approved by the Department and supplied by the importer; and the seal closing and marking press shall be supplied by the Department and kept at all times in the custody of the Customs.
4. Each individual garment or hat shall be marked and sealed, and placing of the seal on the article shall be done under the supervision of the proper Customs officer, who shall personally press the seal.
5. Examination and appraisal shall, in all cases, be by an Appraiser or Assistant Appraiser in the Dry Goods Division, in the Express Branch, or in the Postal Parcels Branch, and in the event of the goods arriving by baggage, such baggage shall be transported by Customs bonded carter to the Examining Warehouse for attention.
6. The goods shall be entered for exportation, either by the importer or by a second party to whom they have been sold conditional on exportation without being used by him in Canada for any purpose whatsoever, within six months of the date of the import entry, and prior to entry for exportation the goods shall be delivered to the Customs for examination, and shall be identified and the seals removed by an Appraiser or Assistant Appraiser, and the goods shall thereafter remain under Customs control until actually exported.
7. Only one claim for refund may be submitted in connection with any import entry, and must be filed at the port of entry within three months after the date when the export entry was passed, and the claimant for refund, who must be the importer, shall submit with the refund claim certified copies of the import entry, and the export entry bearing the certificate of identification. In the case of shipments by freight or express, a copy of the waybill or bill of lading, signed by the agent of the transportation company, must also be supplied, and in the case of shipments by mail a postal receipt or certificate by the Customs officer by whom or in whose presence the parcel was mailed is necessary.
8. In the event that it is found by any Customs officer that the goods, or any of them, entered under this regulation are being, or have been, used for any purpose other than provided herein, an Appraiser or Assistant Appraiser, on being satisfied that such is the case, shall

**Customs Act—continued**

forthwith remove the identification tags and seals, and forward them to the Collector at the port of entry, accompanied by a report outlining the circumstances, and listing the garments and/or hats from which the tags have been removed, and no refund claim with respect thereto shall be approved by the Collector.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*

(D. No. 61 Third Revision)

10th July 1944.

**12. Regulations regarding the importation into Canada of firearms and dangerous and offensive weapons**

P.C. 2220

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of June, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS section 122 of the Customs Act, being chapter 42 of the Revised Statutes of Canada, 1927, provided that "firearms and munitions of war shall not be imported, unless upon application to, and permission given by the Minister";

AND WHEREAS this section was repealed by section 5 of chapter 24 of the Statutes of 1937 and replaced by section 290 as enacted by section 10 of chapter 24 of the Statutes of 1937 which provides that the Governor in Council may, from time to time, "(c) prohibit, restrict or control the importation of arms. . . .";

AND WHEREAS by Order in Council P.C. 4885, dated 10th July, 1945, as amended by Order in Council P.C. 382, dated 5th February, 1946, the importation of automatic firearms or any parts thereof is prohibited;

AND WHEREAS during the period of the recent war the control exercised was on a wartime and not a civilian basis, and with the cessation of hostilities it is now necessary to provide for or reinstate the import control over firearms for civilian use;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under subsection (c) of section 290 of the Customs Act, is pleased to order that the importation into Canada of firearms and all other types of dangerous and offensive weapons, with the exception of rifles and shotguns for sporting purposes, including those of the auto-loading type, be and it is hereby prohibited, except under regulations established by the Minister of National Revenue.

**Customs Act—continued**REGULATIONS GOVERNING THE IMPORTATION OF FIREARMS  
AND DANGEROUS AND OFFENSIVE WEAPONS

1. (1) The firearms and other weapons described in section two may be imported into Canada only in accordance with the provisions of that section.

(2) The import permits required by section two may be obtained on application to the Department of National Revenue, Customs and Excise, Ottawa.

(3) No import permit is required for shotguns or rifles of the standard or auto-loading type, or for military type rifles, imported for sporting use only.

2. (1) Import permits are required for the importation of all types of firearms and other dangerous weapons for use for other than sporting purposes.

(2) Machine guns, sub-machine guns, fully automatic rifles, machine carbines, rifles of inferior construction, revolvers and pistols, fully automatic, semi-automatic, auto-loading or otherwise, may not be released by Collectors of Customs and Excise unless import permits have been issued in respect of every such weapon.

(3) The provisions of this section apply to all revolvers and pistols, fully automatic, semi-automatic, auto-loading or otherwise, brought into Canada for a temporary period by tourists and visitors.

3. Firearms sent out of Canada for repairs or conditioning pursuant to the regulations governing such shipments, may when returned to Canada be released without import permit when the *bona fides* of the importers have been established.

4. Revolvers, pistols and other weapons that may be concealed on the person or otherwise, may not be transported through Canada in bond, by motor vehicle, from one point in the United States to another point therein but, if desired, may be forwarded by rail in bond and under manifest.

5. Weapons described in section four and which are the personal property of persons travelling by air or highway through Canada from the United States to Alaska, or VICE VERSA may be transported by air or highway subject to the following conditions:

- (a) that the weapon be enclosed in a separate container corded and sealed by means of an official lead seal closed by a sealing press supplied by the Department or, if not enclosed in a separate container, the entire package in which the weapon is contained be corded and sealed;
- (b) that a notation as to the possession of the weapon be made on the vehicle permit or aircraft clearance in relation to the vehicle or aircraft in which the weapon is transported; and
- (c) that the cord and seal be intact at the Canadian frontier port of exit, failing which the weapon shall be subject to seizure.

6. Persons who are not British subjects and who desire to import firearms of any type shall be warned by Collectors that they cannot legally POSSESS any firearm in Canada except upon permit issued under the provisions of the Criminal Code by the Royal Canadian Mounted Police or the local police authorities.



**Customs Act—continued**

7. All persons, including British subjects, when importing revolvers, pistols or other concealable weapons, shall be warned by Collectors that they are required immediately to register the same with the local police; the delivery of such firearms and concealable weapons by Customs need not be withheld, since it is the responsibility of the importer to obtain such police permit or permits as may be required.

NOTE:

- (a) It should be observed that there is no objection to the release of auto-loading shotguns and rifles for sporting use without Import Permit, but auto-loading pistols are definitely subject to Import Permit requirements.
- (b) An AUTO-LOADING firearm is defined as follows:—"A firearm which fires and reloads on a single pull of the trigger so that the weapon is ready to be fired with the next pull of the trigger."
- (c) A FULLY-AUTOMATIC firearm is described as follows:—"A firearm which will empty the magazine with one continuous pressure of the trigger."
- (d) So-called toy pistols, capable of discharging bullets, are to be classed as firearms, as referred to in Regulation 2, and not toys. However, air rifles and air pistols are NOT regarded as firearms.

D. SIM,

*Deputy Minister of National Revenue  
Customs and Excise.*

(D No. 26 2nd Revision)

June 3, 1953.

**13. Drawback on goods imported into Canada and exported therefrom**

P.C. 125/4317

*Certified to be a true copy of a minute of a meeting of the Treasury Board  
approved by His Excellency the Governor General in Council,  
on the 18th October 1946*

The Board recommend that, under the powers granted by section 286 of the Customs Act, and section 105 of the Special War Revenue Act, the following regulations governing the payment of a drawback of duties and of taxes, paid on goods imported into Canada and thereafter exported, be made and established to take effect on and from September 1, 1946, and superseding as of midnight, August 31, 1946, regulations made by Order in Council P.C. 28/185, dated January 28, 1937:—

When imported goods on which Customs and Excise Duties and Taxes have been paid are exported from Canada, there may, subject to the following conditions be allowed a drawback of 99 per centum of the duties and taxes paid thereon.

1. The drawback shall be paid to the exporter of the goods.

2. Whole packages of goods as imported may be broken and part only thereof exported, but no use shall have been made in Canada of the goods exported.



**Customs Act—continued**

3. The quantity and identification of such goods imported and exported and the amount of duties and/or taxes paid thereon shall be ascertained.

4. Claims for drawback submitted on and after September 1, 1946, shall not cover goods exported for a period of more than twelve consecutive months and must be filed with the Collector and complete evidence attached thereto within a period of six months from the date of the last export entry covered by the claim. Such drawback claims shall not be paid unless the duties and/or taxes have been paid on the goods within three years of the date of exportation thereof, nor unless the entered value for duty of the goods exported, on which claim is made, is in the aggregate more than fifty dollars.

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part.

6. Upon the exportation of the goods entitled to drawback, export entry in triplicate, in the usual form (with the words "Subject to Drawback" marked on the face), shall be filed with the Collector at the port of exit from Canada, naming the conveyance by which and the country or place to which the goods are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages.

7. The following documents shall be delivered with the claim for drawback,

- (a) a copy of the import entry showing payment of duties and/or taxes on the goods imported and exported, on which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;
- (b) a certified true copy of the export invoice;
- (c) a copy of the export entry, duly numbered and certified by the Collector at the port of exit where the goods were entered for exportation from Canada;
- (d) a certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods.

8. Drawback is not payable in respect of Customs penalties imposed on imported goods.

**Customs Act—continued****14. Drawback on articles and materials used to manufacture agricultural implements, etc.**

P.C. 126/4317

*Certified to be a true copy of a minute of a meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 18th October, 1946.*

The Board recommend that, under the powers granted by section 284 (l) of the Customs Act, authority be granted for the payment of a drawback of 100 per centum of the Customs Duty paid on goods imported or taken out of warehouse on and after June 28, 1946, and used in Canada in the manufacture of, or entering into the cost of, articles and materials supplied to manufacturers of agricultural implements or agricultural machinery, or parts therefor, enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, for use as specified in tariff item No. 442, subject to the following conditions:

1. The whole of the drawback shall be paid to the manufacturer of the goods so supplied.

2. The quantities of materials or articles used and the amount of Customs Duties paid thereon shall be ascertained.

3. Satisfactory evidence shall be furnished of the manufacture or use of the goods in respect of which drawback is claimed.

4. Claims for drawback submitted on and after June 28, 1946, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto, and shall not be paid unless the Customs Duties involved have been paid on the goods within three years of filing the claim, nor unless the claims as presented at any one time aggregate ten dollars or over.

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part.

6. Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products, the drawback otherwise payable in respect of such imported goods shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of the goods manufactured or produced, excepting that drawback claims filed in respect of bituminous coal converted into coke shall be paid in respect

**Customs Act—continued**

of the full quantity of coal processed and represented in the coke covered by the drawback claim, without deduction for merchantable by-products or waste; and

Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, drawback otherwise payable shall be reduced by a sum, representing duties and/or taxes, to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duties and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap, are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used.

7. The following documents shall be delivered with the claim for drawback, viz

- (a) a copy of the import entry showing the payment of the Customs Duty on the goods in respect of which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;
- (b) a certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;
- (c) a certified true copy of the claimant's invoice to the purchaser, with a certificate thereon, in the following terms from such purchaser, being a manufacturer of agricultural implements or agricultural machinery or parts therefor acceptable to the Minister and signed by a responsible official, viz

"The herein enumerated goods have been received and are to be used in our plant exclusively in the manufacture of the articles specified in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, or in the manufacture of parts therefor and not for any other purpose.

.....  
(Name of Company)

.....  
(Signature)

.....  
(Title)

Dated at .....

this..... day of

..... 19...."



**Customs Act—continued**

**15. Regulations *re* the distribution of the proceeds of penalties and forfeitures**

P.C. 4652

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY the 14th day of November, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to revoke the regulations relating to the distribution of the proceeds of penalties and forfeitures, established by Order in Council P.C. 233/1601 of August 22, 1929, as amended, and they are hereby revoked accordingly.

His Excellency in Council, on the same recommendation and pursuant to the provisions of section 140 and 284 (n) of the Customs Act, chapter 42, R.S.C. 1927 and section 124 of the Excise Act, chapter 52, 24-25 George V, 1934, is pleased to make the following regulations respecting the distribution of the proceeds of penalties and forfeitures and they are hereby made and established in substitution for the regulations hereby revoked:

1. The Minister of National Revenue may award out of the net proceeds of any seizure, fine, forfeiture, or penalty, an allowance to the informer or informers, if any, computed in accordance with the following scale, viz, twenty-five per cent thereof when such net proceeds are five thousand dollars or less, together with fifteen per cent of the portion of such net proceeds, if any, in excess of five thousand dollars and not exceeding ten thousand dollars together with ten per cent of the portion of such net proceeds, if any, in excess of ten thousand dollars.

2. In computing "net proceeds" for the purposes above mentioned, except as hereinafter provided, all expenses incurred in connection with seizure and keep of goods, or charges preferred, and included in the total forfeiture, together with all sums included in the total forfeiture as representing duties and taxes, Customs or Excise, properly payable upon the goods, shall be deducted from the total forfeiture.

3. The proceeds of all seizures and of all fines and penalties imposed in connection with any seizure, or for violation of any Customs or Excise law, after deducting thereout the awards to informers, during each fiscal year, shall be available as a fund out of which the Minister of National Revenue may authorize the payment of any expenses legitimately incurred and regularly vouched for in connection therewith, either for law costs, or other expenses; and the expenditure so authorized shall be charged as for "seizures generally", or to the special case on account of which the expenditure has been incurred.

4. No Collector or other officer or employee in the Outside Customs and Excise Service, and no officer or employee of the Inside Departmental Divisions of the Customs and Excise Service, and no member of the Royal Canadian Mounted Police, shall be entitled as seizing officer or



**Customs Act—continued**

assistant to any percentage of or share in the proceeds of any fine, forfeiture or penalty imposed in connection with any Customs or Excise seizure or for violation of any Customs or Excise laws; and no officer or employee of the Customs and Excise Service, and no member of the Royal Canadian Mounted Police, shall be entitled to any percentage or share therein as an informer.

5. In cases of prosecution for offences against the Customs or Excise laws, awards may be paid to the informer or informers, if any, on the following basis,

(a) where a fine imposed by the Court is paid:—

To the informer or informers, if any, twenty-five per cent of the fine paid.

(b) where a fine is imposed, but not paid:—

To the informer or informers, if any, twenty-five per cent of the fine imposed.

(c) where a term of imprisonment is imposed without the option of a fine, or the offender is released on suspended sentence, awards may be paid as in subsection (b) based upon the minimum money penalty imposable under the law for the offence, or upon \$200 where no money penalty is provided.

Provided, however, that in the case of awards payable to informers under subsections (a), (b), (c) the basis of award shall not be affected by any remission or reduction of fine or remission of sentence that may be brought about by the exercise of executive clemency by the Governor in Council.

Awards as provided for in subsections (b), and (c), shall be paid out of the net proceeds of fines, penalties and forfeitures generally on the order of the Minister of National Revenue.

6. In cases of goods as forfeited according to law where such goods for any reason are not sold or disposed of but are destroyed, or are of such a nature that they will be destroyed; or in case of charges of contravention of the Customs laws reported to the department, where there has been no actual seizure; or of charges of avoidance of payment of duties on any goods where the goods are not seized, an award may be paid forthwith to the informer or informers, if any, of not more than ten per cent of the value for duty of the goods seized or of the amount of the unentered value or undervaluation for duty of the goods not seized, and shall not be dependent upon forfeiture or proceeds of forfeiture; such award or awards to be paid out of the net proceeds of seizures generally on the order of the Minister of National Revenue, and to be limited to a maximum of \$500 in each case.

7. In cases where the unavoidable expenses in connection with a seizure are such as to completely exhaust or substantially reduce the gross proceeds, the Minister of National Revenue may authorize the payment of an award of not more than ten per cent of the appraised value for duty of such goods to the informer or informers, if any, to be paid out of the net proceeds of seizures generally on the order of the Minister.

8. In case of seizure of intoxicating liquor, tobacco, manufactures of tobacco, and other excisable goods resulting in condemnation according to law, and such goods are sold for not more than the duty and taxes properly payable thereon, an allowance or not more than ten per

**Customs Act—continued**

cent of the appraised value for duty of such goods may be awarded to the informer or informers, if any, in each case, to be paid out of the net proceeds of seizures generally on the order of the Minister of National Revenue.

9. Where seized goods are released by order of the Minister on condition of payment of a fine or penalty, such fine or penalty may be considered as proceeds of the seizure and be dealt with in the same manner as if arising from condemnation and sale of the goods. Where such fine or penalty is under \$100, the Minister may at his discretion award the whole or any portion thereof to the informers, if any, as a reward for vigilance.

10. It shall be within the discretion of the Minister of National Revenue to limit within the bounds herein provided the amount of the award, or not to make an award to informers or for information in any case or class of cases, or in respect of any person claiming an award; and an informer or informers whose name or names shall not have been disclosed to the Minister of National Revenue at the time of distributing the award, shall have no claim against the Crown or the Department of National Revenue for any amount which shall have been awarded by the Minister of National Revenue out of the proceeds of seizures or from fines, forfeitures and penalties imposed under the Customs and Excise laws. All sums allowed for information furnished by persons whose names are not thus disclosed may, on the confidential report of the seizing officer, be paid to the informer or informers by collectors or other authorized officers of National Revenue (Customs and Excise Divisions), who shall satisfy themselves as far as practicable that the award is paid to the actual informer or informers in each case. Payments made for information when the informer's name is not disclosed to the Department shall in all cases be certified by the collector or other authorized officer and be attested to by the person receipting for the award on the distribution sheet.

11. Where the seizure or charge is of or relating to intoxicating liquor an award may be paid to the informer or informers on the following basis in lieu of any award under regulation 7 or 9 hereof, viz:—

- (a) In any case where a conviction is obtained an award equal to ten cents per measured gallon of the liquor involved;
- (b) In any case where a conviction is not obtained an award equal to twenty-five cents per measured gallon of the liquor involved, or, in the discretion of the Minister of National Revenue, a minimum award of five dollars, such award or awards to be paid out of the gross proceeds of seizures generally.

12. No award shall be paid to an informer in any case where the same would amount to less than fifty cents.

## Customs Act—continued

**16. Value for duty—goods, *bona fide* exported to Canada from any country but passing “in transit” through another country**

P.C. 3107

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of section 46 of the Customs Act, Revised Statutes of Canada, 1927, Chapter 42, is pleased to order and doth hereby order as follows:

Goods *bona fide* exported to Canada from any country but passing in transit through another country shall be valued for duty as an importation from the first mentioned country under the following conditions,

1. The Bill of Lading for the transportation of the goods shall show the ultimate destination of the goods from the place of original shipment to be a specified port in Canada without any contingency of diversion.

2. The goods shall not be entered for consumption or for warehouse or remain for any purpose other than transshipment in any intermediate country.

3. The original Bill of Lading or certified copies thereof shall be filed with the Customs entry.

**17. Regulations relating to Age Certificates for Imported Whiskey, Brandy or Rum**

P.C. 234

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 20th day of January, 1950.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 284 (*d*) of the Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order as follows:

1. The regulations respecting age certificates for imported whiskey, brandy or rum, established by Order in Council P.C. 3475 of 13th July, 1949, as amended, are hereby revoked; and

2. The following regulations relating to age certificates for imported whiskey, brandy or rum are hereby made and established in substitution for the regulations hereby revoked:



**Customs Act—continued**

*Regulations*

- (a) No intoxicating liquors, commonly known as whiskey, brandy or rum may be imported or admitted to entry into Canada for consumption, unless such whiskey, brandy or rum has been aged and held for a period of not less than two years in small wood in accordance with the provisions of the regulations issued under the Food and Drugs Act and has been fully certificated respecting the date of manufacture by authorized officers of the government of the country in which produced, except as provided for in (d) hereunder; provided that,
  - (i) the requirement that imported whiskey or brandy be held for a period of two years IN SMALL WOOD shall not become effective until May 1, 1951;
  - (ii) rum which has not been aged for two years may be imported or admitted to entry into Canada for consumption up to and until September 1, 1950, but not after; and
  - (iii) the requirement that imported rum be held for a period of two years IN SMALL WOOD shall not become effective until May 1, 1952.
- (b) Whiskey, brandy or rum which has not been aged and held as above stated, may be admitted to entry into Canada on condition that the goods will be stored and warehoused
  - (i) by a Provincial Liquor Control Board or Commission; or
  - (ii) in a Canadian distillery under Excise supervision, until the legal age has been reached and the requirements have been met as to consumption in Canada.

Rum which has not been aged and held as above stated may be admitted entry into Canada when for denaturing purposes in a distillery or for use in a bonded manufactory licensed under the Excise Act.

- (c) No intoxicating liquors, commonly known as whiskey, brandy or rum bearing on the bottles or other containers thereof statements as to age of the whiskey, brandy or rum, may be imported or admitted to entry into Canada, unless such statement as to date of manufacture has been certificated by authorized officers of the government of the country in which produced, except as provided for in (d) hereunder;
- (d) In any case where the certificate of duly authorized officers of the government of the country in which the goods were manufactured can not be produced, the Minister of National Revenue may accept such other evidence as will establish to his satisfaction that
  - (i) imported whiskey, brandy or rum has been manufactured for at least two years; or
  - (ii) the age thereof, as represented on the containers, is correctly stated.



**Customs Act—continued****18. Regulations re drawback on goods manufactured or produced and exported**

P.C. 3687

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of July, 1951.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Minister of National Revenue and under the authority of the Customs Act and the Excise Tax Act, is pleased to order as follows:

1. The regulations governing drawback of duties and of taxes on materials used, wrought into, attached to or directly consumed in any articles manufactured or produced in Canada and exported therefrom, established by Order in Council P.C. 81/3440 of 9th May, 1944, are hereby revoked, effective August 1, 1951; and

2. The annexed "Regulations respecting Drawback on goods manufactured or produced in Canada and exported" are hereby made and established, effective August 1, 1951, in substitution for the regulations hereby revoked.

*Regulations Respecting Drawback on Goods Manufactured or Produced in Canada and Exported*

1. When goods on which customs duties or customs duties and excise and/or sales taxes have been paid are used or directly consumed in, wrought into or attached to any articles manufactured or produced in Canada and exported therefrom, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid thereon.

2. When imported materials and/or materials of domestic manufacture or production of the same class are used in Canadian manufactured goods exported, there may be allowed a drawback of ninety-nine per cent of the customs duties or customs duties and excise and/or sales taxes paid on the imported materials, in quantity sufficient to produce the exported goods, provided it be established that the imported goods upon which drawback is claimed were used, in the plant producing both the exported goods and similar goods not necessarily exported, during the twelve consecutive months' period relative to the manufacture of the goods exported.

3. Except as may be otherwise provided by Order of the Governor in Council, the whole of the drawback shall be paid to the manufacturer or producer or exporter of the goods as exported.

4. The quantities of the goods used and the amount of duties and/or taxes paid thereon shall be ascertained.

5. Satisfactory evidence shall be furnished in respect of the manufacture or production of the articles in Canada and exportation therefrom.

6. (1) Claims for drawback submitted on and after the 1st August, 1951, shall not cover goods exported for a period of more than twelve

**Customs Act—continued**

consecutive months and shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto within a period of six months from the date of the last export entry covered by the claim.

(2) Such drawback claims shall not be paid unless the duties and/or taxes have been paid on the goods so used as aforesaid within three years of the date of the exportation of the Canadian article, nor unless the claims as presented at any one time aggregate ten dollars or over.

7. (1) Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

(2) Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part.

8. Upon the exportation of any article entitled to drawback, export entries, in triplicate, in the usual form (with the words "subject to drawback" marked on the face), shall be filed with the Collector at any port of exit from Canada, naming the conveyance by which and the country or place to which the goods are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages.

NOTE.—In the case of L.C.L. shipments, as it is not possible for the exporter to state on the export entry the number of the car in which his shipment will be carried, this information must be noted on all copies of the relative export entry by the Customs Officer at the port of exit.

Export entries relating to shipments forwarded and exported by truck are to be endorsed "exported by truck" at the frontier port of exit.

In the case of export shipments which upon arrival at the frontier port of exit go forward by vessel, the number of the outward report of the vessel must be noted on all copies of the relative export entry.

9. Drawback is not payable in respect of Customs penalties imposed on imported materials nor when the article exported is subject to a bounty to be paid by the Government of Canada on such article when made in Canada.

10. (1) Where it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products retained in Canada, the drawback otherwise payable on the export of such goods (or in respect of materials used in, wrought into, or attached to such goods, or materials consumed in the manufacture or production of such goods) shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-product in relation to the total value of the goods manufactured or produced.

**Customs Act—continued**

(2) Where it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, not exported, drawback otherwise payable shall be reduced by a sum to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duty and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided that the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap are not in excess of the rates of duties and/or taxes applicable to the prime imported goods; but where the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used.

11. The following documents shall be delivered with the claim for drawback:

- (a) a copy of the import entry showing the payment of the customs duties or customs duties and excise and/or sales taxes on which drawback is claimed. (If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry. If the tax for which drawback is claimed was paid on a domestic sale, the original invoice or a certified true copy thereof, representing such domestic sale, showing thereon the amount of tax paid and the number and date of the excise entry in which was included the amount of such tax paid to a Collector, shall be furnished. Should the domestic invoice, however, have been furnished with a previous claim for drawback, it will be sufficient to "refer" to such and indicate the drawback claim to which it was attached);
- (b) a certified true copy of the export invoice;
- (c) a copy of the export entry, duly numbered and certified a true copy by the Collector at the port of exit where the articles were entered for exportation from Canada;
- (d) a certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;
- (e) a certificate of sale for exportation, in form prescribed by the Minister, when the claimant is the manufacturer or producer but not the exporter.

**19. Regulations *re* Sufferance Warehouses and Motor Vehicles  
conveying goods in bond**

P.C. 6455

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of December, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the powers conferred by subsection two of section 289 of the Customs Act, is pleased



**Customs Act—continued**

to make the annexed "Regulations governing the establishment of sufferance warehouses for the storage of goods arriving by highway, and the bonding of motor vehicles engaged in the transportation of such goods", and the said regulations are hereby made and established, accordingly.

CONSOLIDATED GENERAL REGULATIONS GOVERNING THE ESTABLISHMENT OF  
SUFFERANCE WAREHOUSES FOR THE STORAGE OF GOODS ARRIVING BY  
HIGHWAY, AND THE BONDING OF MOTOR VEHICLES  
ENGAGED IN THE TRANSPORTATION OF  
SUCH GOODS

1. These regulations may be cited as the *Regulations respecting Sufferance Warehouses and Motor Vehicles conveying Goods in Bond*.
2. In these regulations,
  - (a) "approved guarantee company" means a guarantee company whose bonds are acceptable to the Government of Canada;
  - (b) "Department" means the Department of National Revenue, Ottawa;
  - (c) "Minister" means the Minister of National Revenue;
  - (d) "motor vehicle" means any vehicle, machine, tractor, trailer, semi-trailer, or combination of the same, propelled or drawn by mechanized power.

*Sufferance Warehouses Used Exclusively for the Storage and Safekeeping of Imported Goods arriving by highway before Entry at Customs*

3. (1) Any person or group of persons may make application in writing to the Customs and Excise Division of the Department, through the Collector of the Port, for the establishment of a sufferance warehouse for the storage and safekeeping of imported goods arriving by highway before entry at Customs.

(2) Before such application is granted, the applicant shall execute a bond to the Crown jointly with an approved guarantee company, in such penal sum as the Minister may determine; such bond shall terminate on the thirty-first day of March next ensuing, unless revoked prior to that date, and shall be subject to renewal annually thereafter with the approval of the Minister.

(3) Upon approval of the bond and the warehouse by the Minister, the Collector is authorized to permit the discharge of "In Bond" goods without previous Customs entry and the storage of such goods in the building so established as a sufferance warehouse.

4. Every application for the establishment of a sufferance warehouse shall be accompanied by detailed plans of the warehouse which plans shall provide:

- (i) adequate space for the storage and examination of the maximum quantity of goods to be stored at any one time;
- (ii) a detention compound adjoining the warehouse in which motor vehicles carrying merchandise "In Bond" can be held securely pending discharge; and
- (iii) satisfactory accommodation for officers of Customs which shall be furnished and maintained without cost to the Crown.



**Customs Act—continued**

5. (1) Authorization for the operation of a sufferance warehouse will be granted only when such warehouse is in a location satisfactory to the Minister and is made available to all authorized bonded carriers at such rates as may be approved by the Minister from time to time.

(2) The privilege of operating a sufferance warehouse may be terminated by the Minister for cause, and such warehouse may be re-established only following approval of a new application.

6. Sufferance warehouses operated pursuant to these regulations may be opened only in the presence of an officer of Customs whose hours of service shall be from 8 a.m. to 1 p.m. on Saturdays and from 8 a.m. to 5 p.m. on other days, exclusive of Sundays and statutory holidays, but nothing herein shall preclude the acceptance into the detention compound by the warehouse keeper at all reasonable hours of motor vehicles laden with "In Bond" goods.

7. The operator of a sufferance warehouse is responsible for the safe-keeping of the goods stored therein pending the due entry or lawful removal of the goods, and is liable to His Majesty for all duties and taxes payable on the importation of the goods unless he can produce the goods or show to the satisfaction of the Collector that they have been duly entered or lawfully removed.

8. Sufferance warehouses shall be secured by Customs locks provided by the Department, but warehouse keepers may use their own locks in addition to the Customs locks to secure their premises, subject to the provisions of the Customs Act.

9. (1) Goods which have remained on hand for thirty days or more in a sufferance warehouse will be removed at Customs expense to the King's warehouse, where they will remain until cleared by the importer, re-exported from the country or sold as unclaimed.

(2) When sold as unclaimed, the sufferance warehouse keeper and the bonded carrier will be notified of the sale and any amount in excess of duties and taxes and storage charges payable to the Crown will be distributed in the payment of (a) amounts due the warehouse keeper and (b) amounts due the bonded carrier; any residue may be claimed by the owner.

*Motor Vehicles Used for the Conveyance of "In Bond" Goods for  
Delivery at an Interior Port*

10. Motor vehicle operators desiring to become bonded carriers for the delivery "In Bond" of goods (dutiable or not) at an interior port, shall make application to the Customs and Excise Division of the Department, stating:

- (i) the full name and address of the applicant;
- (ii) the details of each motor vehicle to be used, specifying the ownership and value of the vehicle and whether it was manufactured in Canada or has been duty paid in Canada;
- (iii) the Canadian frontier ports of entry at which vehicles will arrive; and
- (iv) the proposed routes to be followed to destination.

**Customs Act—continued**

11. Upon the application being approved, the applicant shall be required to submit to the Department the bond of an approved guarantee company, in a penal sum to be fixed by the Minister, terminable on the thirty-first day of March next ensuing, unless revoked prior to that date and to be subject to renewal annually thereafter with the approval of the Minister.

12. Upon approval of the bond, the applicant will be authorized as a bonded carrier to transport goods "In Bond" by motor vehicle from a frontier port of entry to an approved sufferance warehouse by definite routes, subject to full compliance with Customs laws and regulations, and in particular to those pertaining to the transportation of "In Bond" goods.

13. (1) Motor vehicle operators who have not furnished the bond provided for herein but who have occasion to transport a single shipment of goods "In Bond" to an approved sufferance warehouse, shall make application to the Collector at the frontier port of arrival in Canada for authority to transport such shipment, specifying the route thereof.

(2) The Collector may then permit the transportation of the goods "In Bond" by the particular motor vehicle by the specified route and for the single trip only, upon the production of a bond of an approved guarantee company in a penal sum of not less than \$1,000 and not more than \$10,000.

(3) The procedure to be followed with respect to the single trip bonded carrier will in every particular be that provided for the bonded carrier operating under a general bond.

14. Inasmuch as these regulations apply to the through transportation of goods, the movement to the sufferance warehouse shall be continuous, except for necessary stops for servicing vehicles or for the immediate needs of the driver, and stops occasioned through accident or emergency *en route*; the discharge of goods from bonded vehicles while in transit for transfer to other vehicles, for storage or for any other purpose except as provided for herein is not permitted. (The outward and also the in transit movement of goods is covered by separate regulations).

15. (1) In the case of an accident or other emergency *en route*, the nature of which will cause substantial delay, the breaking of seals or the transshipment of the goods, the driver shall report to the nearest Collector of Customs by telephone, telegraph or messenger, and request the attendance of an officer. (R.C.M.P. constables may act for Customs when after due effort a Customs officer cannot be secured).

(2) The attending officer will supervise the transshipment of the goods to another vehicle and endorse on both copies of the manifest carried by the driver particulars of the accident or emergency and details of the loss or damage to the "In Bond" goods listed on the manifest (opening the envelope addressed to the Collector at destination for this purpose, and resealing thereafter).

(3) The driver and the bonded carrier shall ensure that any goods which, as a result of the accident or emergency, cannot be transferred or forwarded immediately are stored securely to the satisfaction of the supervising officer who will report full particulars to the Department through the Collector.

**Customs Act—continued**

(4) The regular special service charge made by the Department, together with the actual and reasonable travelling and other expenses of the supervising officer, shall be paid to the Department by the parties accommodated.

16. Motor vehicle operators are responsible for the safekeeping of all "In Bond" goods transported by them, and are liable for all duties and taxes payable thereon until the Customs seals are removed by an officer of Customs at the sufferance warehouse and the goods accepted by the warehouse keeper.

17. (1) Commercial Vehicle Permit Form E.50-B will be used for each return trip for vehicles not manufactured or duty-paid in Canada, but when a general bond has been previously filed it may be taken to cover both the goods and the vehicle transporting same, and no further security will be required.

(2) If a single trip bond is filed it will be taken in a sum sufficient to cover the value of the vehicle and the goods; motor vehicles under seal shall not transport any goods other than "In Bond" goods.

18. Bonded motor vehicles deemed secure by the Collector of Customs at the frontier port of arrival shall be sealed with Canadian Customs seals supplied by the Department at the expense of the parties accommodated, and may be permitted to go forward without unloading and without examination of the goods carried therein during the hours of the day or night when officers of Customs are on duty.

19. When motor vehicles which cannot be sealed arrive at a Canadian frontier port with large pieces of machinery or other items of weight and size that cannot be unloaded without the loss of considerable time and labour but which can be readily checked as to identity and quantity on the vehicle, the Collector may permit the load to go forward without seal, "In Bond", during regular Customs hours, i.e., from 8 a.m. to 1 p.m. on Saturdays and from 8 a.m. to 5 p.m. on other days, exclusive of Sundays and statutory holidays.

20. Motor vehicle operators authorized to carry "In Bond" goods by motor vehicle from a frontier port of entry to an approved sufferance warehouse may discharge part cargoes at any approved sufferance warehouse *en route* to final destination provided that (a) the goods are discharged from the motor vehicle during regular warehouse hours under the supervision of an officer of Customs who shall re-seal the vehicle, and (b) the routes to be followed have been approved.

*General*

21. For manifesting purposes a separate manifest is required for each consignment of goods.

22. Nothing in these regulations shall be taken as conferring the right to owners of motor vehicles to operate over Canadian highways without the prior approval of the competent authorities concerned.

23. Sufferance warehouse keepers and bonded carriers are subject to the provision of the Customs Act and to the penalties provided thereby for any breach of the Act or of these regulations.



Customs Act—continued

20. Prescribing statutory declaration for use with Customs Entries

P.C. 1211

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section twenty-seven of the Customs Act, is pleased, hereby, to prescribe the statutory declaration annexed hereto as the declaration for use on the face of Customs entries and to order that where the declaration hereby prescribed is used, the execution of the forms of the oath prescribed by Order in Council P.C. 3106 of 9th August, 1948, may be dispensed with.

I, ..... of .....  
in the Province of ....., agree to be  
bound by the certificate and undertaking set out in form .....  
(1 or 2 as the case may be) endorsed hereon, and so solemnly declare:

1. I am the owner or consignee of the goods described in the above bill of entry (or the agent of the owner or consignee as the case may be).

2. That to the best of my knowledge and belief the particulars set out in the above bill of entry are true, correct and complete.

3. That I have withheld no information required by the Customs Act or any other Act relating to the revenue.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me  
at the ..... of  
..... in the  
..... of .....  
this ..... day of  
..... 19....

.....  
Signature

.....  
Collector of Customs and Excise



Customs Act—*continued***21. Regulations *re* refund of duty on goods found not to be the goods ordered**

P.C. 4117

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 24th day of September, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 300 of the Customs Act, is pleased to order as follows:

1. The regulations respecting refund of duty on goods found not to be the goods ordered or proved to have been ordered in error, established by Order in Council P.C. 403 of 1st February, 1949, are hereby revoked; and

2. The following regulations respecting refund of duty on goods found not to be the goods ordered or proved to have been ordered in error, are hereby made and established in substitution for the regulations hereby revoked.

*Regulations*

1. Where goods which have been entered at Customs for home consumption, and have passed into the hands of the importer, are found not to be the goods ordered or proved to have been ordered in error, a refund or drawback equal to the duty so paid thereon may be granted by the Minister of National Revenue in each case, provided •

- (a) that the goods have been delivered into the custody of a Collector of Customs and Excise within six months of the date of the import entry;
- (b) that application for permission to export the said goods has been made on the approved form;
- (c) that the goods have been identified prior to exportation by an officer of Customs;
- (d) that the goods have been exported under Customs supervision and proof of such exportation has been furnished to the satisfaction of the Minister of National Revenue;
- (e) that application for refund has been made to the Collector of Customs and Excise at the port of entry on the approved form.

2. Goods returned under permit as not being the goods ordered or proved to have been ordered in error, shall be shipped outwards from Canada accompanied by export entry Form B. 13 in triplicate; the three copies of the export entry shall be delivered by the carrier to the Collector of Customs and Excise at the port of exit and one copy will be certified by the Collector as follows and returned to the Canadian exporter:

“Certified true copy of export entry.

Goods cleared from Port of Exit on ..... 19  
as reported by Carrier.

(Signature) .....  
Collector of Customs and Excise.”

**Customs Act—continued**

3. The proof of exportation referred to in paragraph (d) of section one shall consist of a certified copy of export entry Form B. 13 which shall be filed with the application for refund and, in addition thereto,

- (a) in the case of goods exported by vessel, or by railway freight or express, or other bonded carrier, a copy of the outwards way-bill or bill of lading signed by the carrier or his agent;
- (b) in the case of goods exported by mail, a copy of the receipt given by the postmaster or, in lieu thereof, a certificate from the Customs officer by whom or in whose presence the parcel was mailed for export;
- (c) in the case of goods exported by any other conveyance, the foreign customs landing certificate, provided that if such certificate is not obtainable, an affidavit from the foreign consignee acknowledging receipt of the goods, and such other proof of exportation as may be required by the Department, may be accepted.

4. The Minister may authorize the destruction of the goods under Customs supervision in lieu of their exportation.

**22. Customs Tea Testing Regulations**

P.C. 1953-1553

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 14th day of October, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of paragraph (o) of section 273 of the Customs Act, is pleased to make the following regulations entitled the Customs Tea Testing Regulations, respecting the examining and testing of tea imported into Canada, and they are hereby made and established, accordingly.

**CUSTOMS TEA TESTING REGULATIONS**

1. In order to ensure that no importations of adulterated tea, or goods described as tea, which would be prohibited under Tariff Item 1205, be permitted entry for consumption in Canada, representative samples of the following classes of importations shall be forwarded without delay to the Customs and Excise Laboratory, Ottawa, there to be recorded, together with the result of the test, and the Collector concerned advised accordingly through the Appraisers Division of the Department:

- (a) tea from the United States not accompanied by Customs certificates of fitness for consumption in the United States,
- (b) all tea dust,
- (c) tea costing thirty cents a pound or less in the country of growth or costing, when landed in Canada, thirty-five cents a pound or less, and
- (d) all tea shipped on consignment.

2. Collectors may permit shipments of tea, or goods described as tea, to be removed to the importer's premises pending receipt of advice of the test, but such shipments shall remain subject to Customs control

**Customs Act—continued**

and shall not be disposed of by the importer until finally declared admissible for consumption or unfit for use and therefore prohibited, in which latter event they shall become forfeited and shall be destroyed under Customs supervision or dealt with otherwise as the Minister may direct, under authority of section 12 of the Customs Tariff.

3. Imported tea being tested for adulteration or unfitness for use shall be examined with particular regard to the appearance of the leaf after infusion and to foreign matter (scum) on the surface of the infusion, the following characteristics being generally considered to be indicative of fair quality:

- (a) freedom from admixture with black and decayed leaves,
- (b) general homogeneous appearance and firm odour of the leaves when infused,
- (c) freedom of the leaves from grit when passed between the teeth, and
- (d) absence of such taste in the liquor, while warm, as would indicate mustiness.

4. In all cases of examination of tea, or goods described as tea, by authorized testers, the purity, quality and fitness for consumption shall be determined according to the usages and customs of the tea trade, including testing of an infusion in boiling water, as well as by chemical analysis in cases where tea is found on the infusion test to be unsound or unfit for use.

**23. Ship Construction Drawback Regulations**

P.C. 1954-835

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the powers conferred by paragraph (k) of section 273 of the Customs Act, is pleased to order as follows:

1. The general regulations governing drawback for original construction of ships or vessels built in Canada, established by Order in Council P.C. 31/185 of 28th January, 1937, are hereby revoked, effective June 1, 1954; and

2. The annexed "Regulations *re* Drawback on Goods used in Ships built in Canada" are hereby made and established, effective June 1, 1954, in substitution for the regulations hereby revoked.

**REGULATIONS RE DRAWBACK ON GOODS USED IN SHIPS BUILT IN CANADA**

1. These regulations may be cited as the *Ship Construction Drawback Regulations*.

2. These regulations apply only to drawback of customs duties paid on imported goods used in the original construction of ships built in Canada.



**Customs Act—continued**

3. When imported goods on which customs duties have been paid are used in the original construction of,

- (a) ships having within themselves the power of independent navigation either by means of sail, steam or other motive power,
  - (i) for *bona fide* commercial fishing operations, or
  - (ii) for other than pleasure purposes when measuring ten tons register or more;
- (b) Barges and scows,
  - (i) built of iron or steel and measuring more than one thousand tons gross tonnage, or
  - (ii) built of wood and measuring ninety feet or more in length, in respect only of laminations of wood of a type and size not made in Canada within an area from which economical shipment may be made to the plant of the builder, when such laminations of wood are used as complete sides and trusses of such barges and scows,

there may, subject to the provisions of these regulations, be allowed a drawback of 99 per cent of the customs duties paid thereon.

4. The claimant for drawback shall be, in all cases, the builder of the ship.

5. The quantities of the goods used and the amount of customs duties paid thereon shall be ascertained.

6. Satisfactory evidence shall be furnished in respect of the original construction in Canada of the ship in which the imported goods are claimed to have been used.

7. Claims for drawback submitted on and after the 1st day of June, 1954, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto, and shall not be paid unless the customs duties in respect of which drawback is claimed have been paid on the goods within three years of the date of the filing of the claim nor unless the claims as presented at any one time aggregate ten dollars or more.

8. Claims for drawback shall be made under oath before a Collector of Customs and Excise, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister shall prescribe and shall, before payment, be established to the satisfaction of the Minister, who may require, in any case, the production of such further evidence in addition to the usual averments as he deems necessary to establish the *bona fides* of the claim, but nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister in respect of the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part.

9. The following documents shall be delivered with the claim for drawback:

- (a) a copy of the import entry showing the payment of the customs duties on the goods used on which drawback is claimed, but where a copy of the import entry has been furnished with a previous



**Customs Act—continued**

claim for drawback it will be sufficient to refer to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

- (b) a certificate of importation, sale or transfer, in the form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods.

**24. Regulations respecting travellers' baggage**

P.C. 1954-1111

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to paragraph (c) of section 273 of the Customs Act, is pleased to make the annexed "Regulations respecting Travellers' Baggage", and they are hereby made and established, accordingly.

**REGULATIONS RESPECTING TRAVELLERS' BAGGAGE**

1. Before passing beyond the frontier port of entry, all hand baggage shall be examined by a Customs officer, and all other baggage shall be similarly examined or be forwarded in bond under Customs manifest; trains must stop for a sufficient time at frontier ports to meet Customs requirements.

2. To expedite the departure of passenger trains inwards from the frontier, railway officials are requested,

- (a) before arrival at the frontier port, to notify passengers to have hand baggage ready for Customs examination and remain in attendance for the examination of baggage intended for delivery in Canada;
- (b) before arrival at the frontier port, to have other baggage sorted and classified and have Customs card manifests and baggage advice notes prepared for signature of the Customs officer, so that the baggage for points nearest the frontier may in all cases be speedily examined at the frontier port, and other baggage manifested as may be found necessary.

3. Hand baggage carried on a vessel arriving from a foreign port shall be examined by Customs officers at the first port of entry of such vessel and checked baggage, as far as practicable, shall be examined and released at such port; when requested by the transportation company, checked baggage may be forwarded in bond under pink card manifests and advice notes to another port or outport in Canada for examination or export.

4. Free baggage forwarded in transit through the United States may, on arrival at the frontier port in Canada, be released if the Customs officer finds the card manifests and advice notes in order and all seals intact.

**Customs Act—continued**

5. Travellers' baggage, not examined and passed as free by a Customs officer, may be forwarded in bond by carriers duly authorized to transport goods in bond, from a Customs port in one part of Canada to a Customs port in another part of Canada, when manifested on such Customs port and properly corded and sealed, the carrier requesting such baggage to be forwarded in bond being responsible for the due delivery thereof (together with the card manifests and advice notes) to the Customs officer at the port on which such baggage is manifested, under a penalty equal to double the estimated duties thereon, but in no case less than \$10 for each missing package.

6. The seal authorized by the Department for sealing checked baggage accounted for under card manifest and advice note is a round steel seal of not less than one inch in diameter; the words "Canada Customs, In Bond", together with a serial or port number, shall be inscribed thereon and the seal shall be so constructed as to permit the passage of a cord through the reverse side for securing by a locking device.

7. The card manifests, cords and seals used in connection with the transportation of checked baggage in bond shall be affixed by the agents or representatives of the carrier.

8. Pink card manifests shall be used

(a) for local baggage carried in bond from one port in Canada to another port in Canada; and

(b) for baggage in transit through Canada to a frontier port for export.

9. Baggage advice notes accounting for checked baggage forwarded under pink card manifests shall be prepared in triplicate by the carrier or his agent and delivered to the Customs Officer at the sending port, who shall sign, stamp, and number them consecutively in a separate series, enclose the originals thereof in the advice note envelope addressed to the port or outport on which the baggage is manifested, and attach the envelope to one of the pieces of baggage; in all cases the original of the advice note shall be forwarded on the train on which the baggage is being transported, and attached to the baggage; the duplicate copy of the advice note shall be forwarded to the Customs port of destination by first mail; and the triplicate copy shall be filed at the sending port.

10. Separate advice notes are required for each port of destination.

11. Pink card manifests and advice notes may be written with indelible pencil, and duplicate and triplicate copies of advice notes may be legible carbon copies.

12. Card manifests signed by the Customs officers at the sending port shall designate the date, check number and the names of the sending and receiving ports, shall accompany each piece of baggage and shall be securely fastened thereto.

13. All card manifests and baggage advice notes shall be in the form prescribed by the Minister of National Revenue, who shall also direct the information to be given therein.

14. Officers at each receiving port shall number and record advice notes consecutively in the records provided for that purpose, and on the first and fifteenth days of each month shall return one copy of the advice

**Customs Act—continued**

notes by mail to the sending ports, after they have stamped and signed both copies of the advice notes and marked thereon the word "Received", and after they have ascertained that check numbers on both copies of the advice notes have been initialled by the officers who examined the baggage and noted the examination on the card manifests.

15. When receipted advice notes are not received within twenty days after the forwarding of the baggage, the Collector at the sending Port shall cause a copy of the missing advice note to be sent to the port in arrear, with the request that it may be returned with the receipt or explanation.

16. When any baggage forwarded in bond under pink card manifest and advice note is not delivered to the Customs officer at the port of destination in due course, the Collector at the sending port shall notify the agent of the carrier there, on Form A26.

17. In respect of baggage (under pink card manifests and advice notes) passing through Canada in transit, the Collector at the port of exit from Canada on which such baggage is manifested shall cause the baggage to be examined by an officer of Customs to ascertain that the seals are secure and intact and to ensure its exportation in accordance with the law; the pink card manifests and seals shall be removed at the port of exit on which manifested, and shall be checked by the officer removing them against the advice note, one copy of which is to be returned to the sending port.

18. All pink card manifests and advice notes received at ports or out-ports manifested upon shall be filed separately in bundles of 200 in the order received (according to date), and stored in the record room of the port or outport for future reference.

19. When baggage forwarded under pink card manifest is diverted en route by the carrier to another Customs port of destination the Customs officer finally examining the baggage shall without delay forward the card manifest by mail to the Collector at the sending port, with his certificate of examination thereon, and notify the receiving port that he has done so.

20. In urgent cases, baggage may be forwarded in bond in sealed cars or sealed compartments without being corded, provided that baggage advice note, specifying the number of pieces, be furnished and forwarded with the baggage; the baggage advice notes in such cases shall be dealt with in the same way as Customs manifests for bonded goods.

21. The card manifests, baggage advice notes, envelopes, seals, sealing presses, sealing cord and other fastenings approved by the Minister of National Revenue, shall be furnished by the carrier.

22. The register of baggage advice notes forwarded shall be kept by officers at sending ports for the purpose of recording baggage advice notes as they are forwarded, and the register of baggage advice notes received shall be kept by officers at receiving ports for the purpose of recording baggage advice notes as they are received; advice notes shall be recorded in the registers in consecutive order as they are issued or received.



**Customs Act—continued**

23. The following form of baggage advice note (on grey paper) is approved:

**BAGGAGE MANIFEST ADVICE NOTE**

Form A-25

Sending Port No.....

Receiving Port No.....

**ADVICE NOTE OF BAGGAGE DESPATCHED**

From Port of.....on the.....day of.....19..... In Bond

To the Port of.....by.....  
(Ry. or vessel)

in Car No.....

Check Number	Customs Seal Number	Check Number	Customs Seal Number	Check Number	Customs Seal Number
1		17		33	
2		18		34	
3		19		35	
4		20		36	
5		21		37	
6		22		38	
7		23		39	
8		24		40	
9		25		41	
10		26		42	
11		27		43	
12		28		44	
13		29		45	
14		30		46	
15		31		47	
16		32		48	

Enter check and seal numbers beginning with space No. 1 and follow in consecutive order being careful to leave no intervening spaces.

Officer examining baggage contained on this advice note is required to compare check and seal numbers with numbers on advice note and to place his initials (on both copies) opposite to the check numbers of the baggage that he has examined.

.....  
Agent of Carrier.

.....  
Customs Officer.

Original to accompany baggage, duplicate to be mailed to Customs Officer at port on which baggage is bonded, and triplicate to be retained by the Customs Officer at the sending port.

24. Unless otherwise directed by the Minister of National Revenue the card manifests may be  $2\frac{1}{2}$  by  $4\frac{1}{2}$  inches in size, pink in colour for local baggage or baggage in transit through Canada and white for in transitu



**Customs Act—continued**

baggage; the card manifests of bonded baggage forwarded shall be provided by the transportation companies; the following printed texts, respectively, shall be on the card manifests:

FORM A 20. (*Pink.*)

(LOCAL BAGGAGE OR BAGGAGE IN TRANSIT THROUGH CANADA.)

## IN BOND

Canada Customs  
Baggage Card Manifest

(REVERSE SIDE)

Instructions to Train Baggage-men  
(in Canada)

Check No.....

From.....

To.....  
in Canada

I certify that this baggage was corded and sealed by me and laden for transportation as above.

Date.....

Under no circumstances allow bonded baggage to be opened or interfered with in any way.

Always handle sealed baggage most carefully so as to prevent any breakage of Seal. Note on Trip Reports and Transfer Bills as to baggage being in bond by showing "In Bond" after Check Numbers. In the event of cord being broken make special mention of such fact in Trip Report.

.....  
Canadian Customs Officer.FORM A 21. (*White.*)

(BAGGAGE IN TRANSIT THROUGH UNITED STATES.)

## IN BOND

Canada Customs  
Baggage Card Manifest  
(In transit through U.S.)

(REVERSE SIDE)

Stamp of Customs  
Receiving Port

Check No.....

From.....

To.....  
in Canada

I certify that this baggage was duly corded, sealed, and laden for transportation as above stated. Containing free goods only.

Date.....

This baggage has been received by me having intact thereon the Canadian Customs Seal.

.....  
Canadian Customs Officer......  
Canadian Customs Officer.

(T 37 in list of Forms)

## REGISTER OF BAGGAGE ADVICE NOTES FORWARDED

At the Port of.....

Sent to the Port of.....

Date of Manifest	Sending Port Number	Receiving Port Number as per receipted Manifest	Date of Return of cancelled Manifest
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(T 36 in list of Forms)

## REGISTER OF BAGGAGE ADVICE NOTES RECEIVED

At the.....Port of.....

Date of Advice Note	Receiving Port No.	Sending Port No.	Name of Sending Port	Date of Return of Cancelled Advice Note
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Customs Act—continued

**25. Ships' Suppliers' Drawback Regulations**

P.C. 1954-1144

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of the Customs Act and the Excise Tax Act, is pleased to order as follows:

1. The Regulations *re* Drawback on ships' stores, furnishings or equipment and repairs or reconstruction, for vessels and aircraft, and on goods for oceanic telegraph cables, established by Order in Council P.C. 410 of 23rd January, 1952, as amended, are hereby revoked; and

2. The annexed "Regulations *re* Drawback on ships' stores, furnishings or equipment and repairs or reconstruction, for vessels and aircraft, and on goods for oceanic telegraph cables", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RE DRAWBACK

*On ship's stores, furnishings or equipment and repairs or reconstruction, for vessels and aircraft, and on goods for oceanic telegraph cables.*

1. These regulations may be cited as the *Ships' Suppliers' Drawback Regulations*.

*Interpretation*

2. In these regulations,

- (a) "arctic ships" means ships operated by a department of the Government of Canada on voyages to arctic waters when clearing from an ocean port direct to arctic waters;
- (b) "British war ships" means ships of war and transports owned, operated or controlled by the British Admiralty and includes similar ships owned, operated or controlled by British Commonwealth governments;
- (c) "Canadian warships" means ships of war and transports operated or controlled by the Department of National Defence of Canada, proceeding on an ocean voyage from an ocean port;
- (d) "commercial aircraft" means any aircraft clearing for any place out of Canada on a scheduled or non-scheduled flight, carrying cargo and/or passengers, but does not include privately owned aircraft nor company-owned aircraft used in the transportation of the company's property or personnel;
- (e) "fishing ships" means ships engaged in deep-sea or seal fisheries, when clearing from an ocean port direct to such fisheries;
- (f) "foreign warships" means ships of war and transports owned, operated or controlled by the government of a foreign country;

**Customs Act—continued**

- (g) "Great Lakes port" means any Canadian port on the Great Lakes and their connecting waters as far east as Montreal, including in the case of westbound traffic the port of Montreal;
- (h) "Great Lakes ships" means ships of fifty tons register or upwards engaged in trade on the Great Lakes along the international boundary between the United States and Canada and traversing foreign waters during part of the voyage, when clearing from a Great Lakes port;
- (i) "military aircraft" means aircraft owned, operated or controlled by the military authorities of any government other than that of Canada when the aircraft are departing from a Canadian Customs Airport to a place out of Canada;
- (j) "Minister" means the Minister of National Revenue;
- (k) "missionary supply ships" means ships approved by the Minister for the supplying of arctic missions clearing from an ocean port direct to arctic waters;
- (l) "ocean port" means any Canadian port from whence ships proceed on ocean voyages;
- (m) "ocean ships" means ships of fifty tons register or upwards, clearing on an ocean voyage to a port out of Canada or from a port on the Atlantic coast of Canada to a port on the Pacific coast of Canada, or *vice-versa*, and ocean going salvage tugs clearing on an ocean voyage from an ocean port;
- (n) "ships' stores" means imported goods, or goods manufactured or produced in Canada from imported goods, listed in the Schedules to these regulations, on which customs duties or customs duties and excise and/or sales taxes have been paid;
- (o) "telegraph cable ships" means ships of fifty tons register or upwards fitted for the laying and repairing of oceanic telegraph cables, clearing on an ocean voyage from an ocean port; and
- (p) "weather ships" means ships of fifty tons register or upwards operated by the Department of Transport of Canada to obtain meteorological data on the high seas, clearing on an ocean voyage from an ocean port.

*Ships' stores*

3. A drawback of 99 per cent of the duties and/or taxes paid thereon may be allowed in respect of ships' stores delivered to

- (a) arctic ships as listed in Schedule 3;
- (b) British warships as listed in Schedules 1 and 4;
- (c) Canadian warships as listed in Schedule 3;
- (d) commercial aircraft as listed in Schedule 6;
- (e) fishing ships as listed in Schedule 2;
- (f) foreign warships as listed in Schedules 1 and 4;
- (g) Great Lakes ships as listed in Schedule 5;
- (h) military aircraft as listed in Schedule 6;
- (i) missionary supply ships as listed in Schedule 1;
- (j) ocean ships as listed in Schedules 1 and 4;
- (k) telegraph cable ships as listed in Schedule 1; and
- (l) weather ships as listed in Schedule 3.



**Customs Act—continued**

*Ships' furnishings or equipment*

4. A drawback of 99 per cent of the duties and/or taxes paid thereon may be allowed in respect of imported goods, or goods manufactured or produced in Canada from imported goods, on which customs duties or customs duties and excise and/or sales taxes have been paid, when delivered for use as ships' furnishings or equipment to

- (a) British warships;
- (b) commercial aircraft operating *exclusively* on international flights;
- (c) foreign warships;
- (d) Great Lakes ships operating *exclusively* on voyages to and from foreign ports;
- (e) ocean ships operating *exclusively* on international voyages;
- (f) ships of fifty tons register or upwards not registered in Canada; and
- (g) telegraph cable ships.

*Ships' repairs*

5. A drawback of 99 per cent of the duties and/or taxes paid thereon may be allowed in respect of imported goods, or goods manufactured or produced in Canada from imported goods, on which customs duties or customs duties and excise and/or sales taxes have been paid, when delivered and used as repairs or reconstruction to

- (a) British warships;
- (b) commercial aircraft operating or being repaired or reconstructed to operate *exclusively* on international flights;
- (c) foreign owned aircraft;
- (d) foreign warships;
- (e) Great Lakes ships operating or being repaired or reconstructed to operate *exclusively* on voyages to and from foreign ports;
- (f) ocean ships operating or being repaired or reconstructed to operate *exclusively* on international ocean voyages;
- (g) ships of fifty tons register or upwards not registered in Canada; and
- (h) telegraph cable ships.

*Oceanic cables*

6. A drawback of 99 per cent of duties and/or taxes paid thereon may be allowed in respect of imported goods, or goods manufactured or produced in Canada from imported goods, on which customs duties or customs duties and excise and/or sales taxes have been paid, when delivered to telegraph cable ships proceeding on an ocean voyage for use in the laying or repairing of oceanic telegraph cables outside of Canadian waters.

*General*

7. The applicant for drawback shall be the person who has supplied the goods or has effected the repairs or reconstruction.

8. Notice of intent to claim drawback, in the form prescribed by the Minister, shall be filed with the Collector of Customs and Excise at the time when the goods are supplied to the vessel or aircraft.



**Customs Act—continued**

9. Claims for drawback submitted on and after August 1, 1954, shall not be paid unless the duties and/or taxes have been paid within three years of the supplying of the goods, nor unless the claims as presented are filed within six months of first clearance of the vessel or aircraft thereafter; provided that in the case of a vessel not requiring to clear Customs the time limit for filing shall be deemed to be six months of the supplying of the goods.

10. Claims for drawback shall be made under oath before a Collector of Customs and Excise, Justice of the Peace or Commissioner for taking oaths, in such form as the Minister shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence in addition to the usual averments as he deems necessary to establish the *bona fides* of the claim, but nothing in these regulations shall be deemed to alter or amend the law or to affect any discretion vested in the Minister in respect of the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part.

11. The quantities of goods delivered subject to drawback and the amount of duties and/or taxes paid thereon shall be ascertained, and no such goods, or any part thereof, after allowance of drawback, shall be relanded, sold or disposed of in Canada without due entry and payment of duties and/or taxes.

12. Drawback is not payable in respect of Customs penalties imposed on imported goods, nor when an article is subject to a bounty to be paid by the Government of Canada on such article when made in Canada.

13. Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products retained in Canada, the drawback otherwise payable on the supplying of such goods, or in respect of materials used in, wrought into, or attached to such goods, or materials consumed in the manufacture or production of such goods, shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of the goods manufactured or produced.

14. Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, retained in Canada, drawback otherwise payable shall be reduced by a sum to be arrived at by applying to the Canadian sales value of the merchantable scrap or waste the prevailing rates of duty and/or taxes, if any, on merchantable scrap or waste of the same kind, when imported as such; provided that the prevailing rates of duty and/or taxes, if any, on the merchantable scrap or waste are not in excess of the rates of duty and/or taxes applicable to the prime imported goods; and provided also that when the prevailing rates for the merchantable scrap or waste, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duty and/or taxes applicable to the prime imported goods shall be used.

15. The following documents shall be delivered with the claim for drawback,

- (a) A copy of the import entry showing the payment of the customs duties or customs duties and excise and/or sales taxes on which drawback is claimed. (If a copy of the import entry has been

**Customs Act—continued**

furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry; if the tax for which drawback is claimed was paid on a domestic sale, the original invoice or a certified true copy thereof, representing such domestic sale, showing thereon the amount of tax paid and the number and date of the excise entry in which was included the amount of such tax paid to a Collector of Customs and Excise, shall be furnished; should the domestic invoice have been furnished with a previous claim for drawback, it will be sufficient to "refer" to such invoice and indicate the drawback claim to which it was attached);

- (b) A certificate of importation, sale or transfer, in the form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods; and
- (c) A copy of the notice of intent to claim drawback required by section seven.

*Schedule 1*

- (a) Edible supplies.
- (b) Spirituous Liquors and wines.
- (c) Ales and beers.
- (d) Mineral waters and soft drinks.
- (e) Tobacco, including cigarettes and cigars.
- (f) Matches and lighter fluid in dispensing cans.
- (g) Soaps and medicinal and toilet preparations.
- (h) Cleaning compounds and materials, including rags and wastes.
- (i) Boiler compounds and fuel oil treatment preparations and filter sponges.
- (j) Gas for refrigeration equipment and for welding purposes.
- (k) Petroleum products and lubricants.  
(Petroleum products may be delivered subject to drawback to ocean ships engaged *exclusively* in foreign trade at any Canadian port on the inward or outward voyage).
- (l) Coal (except as otherwise ordered coal shall not be delivered subject to drawback as ships' stores for any vessel clearing from the port of Montreal or ports east thereof).
- (m) Coating for boilers and coating for boiler bricks.
- (n) Paints, varnishes and solvents.
- (o) Stationery and other consumable paper supplies.

*Schedule 2*

- (a) Petroleum products and lubricants (when the duration of the voyage is not less than five days).
- (b) Spirituous liquors and wines (when the duration of the voyage is not less than fifteen days).
- (c) Tobacco, cigarettes and cigars manufactured in Canada (when the duration of the voyage is not less than fifteen days).

*Schedule 3*

- (a) Edible supplies,
- (b) Spirituous liquors and wines,
- (c) Ales and beers,
- (d) Mineral waters and soft drinks,
- (e) Tobacco, including cigarettes and cigars,

**Customs Act—continued**

- (f) Matches and lighter fluid in dispensing cans, and
  - (g) Soaps and medicinal and toilet preparations,
- when purchased by and for the use of the officers' wardroom and/or the ship's canteen.

*Schedule 4*

Goods for sales to passengers and/or officers and crew members.

*Schedule 5*

- (a) Petroleum products and lubricants.
- (b) Coal.

*Schedule 6*

Any consumable goods.

NOTE: In the case of commercial aircraft proceeding outward on trans-atlantic flights, consumable goods may be delivered subject to drawback at Montreal (Dorval airport) or at the last Canadian port of call, or at both Montreal and the last Canadian port of call.)

**26. Ships' Stores Regulations**

P.C. 1954-1145

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of the Customs Act, the Excise Act and the Excise Tax Act, is pleased to order as follows:

1. The Regulations governing Ships' Stores, established by Order in Council P.C. 387 of 23rd January, 1952, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Ships' Stores" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING SHIPS' STORES**

1. These regulations may be cited as the *Ships' Stores Regulations*.

*Interpretation*

2. In these regulations,

- (a) "arctic ships" means ships operated by a department of the Government of Canada on voyages to arctic waters when clearing from an ocean port direct to arctic waters;
- (b) "British warships" means ships of war and transports, owned, operated or controlled by the British Admiralty and includes similar ships owned, operated or controlled by other British Commonwealth governments;



**Customs Act—continued**

- (c) "Canadian warships" means ships of war and transports operated or controlled by the Department of National Defence of Canada, proceeding on an ocean voyage from an ocean port;
- (d) "commercial aircraft" means any aircraft clearing for any place out of Canada on a scheduled or non-scheduled flight, carrying cargo and/or passengers, but does not include privately-owned aircraft nor company-owned aircraft used in the transportation of the company's property or personnel;
- (e) "Department" means the Department of National Revenue;
- (f) "fishing ships" means ships engaged in deep-sea or seal fisheries, when clearing from an ocean port direct to such fisheries;
- (g) "foreign warships" means ships of war and transports owned, operated or controlled by the government of a foreign country;
- (h) "foreign yachts" means ships of less than fifty tons register, registered in a country other than Canada when used by the owner or operator for pleasure purposes only, when clearing from a Canadian ocean port to a foreign ocean port;
- (i) "Great Lakes port" means any Canadian port on the Great Lakes and their connecting waters as far east as Montreal, including in the case of westbound traffic, the port of Montreal;
- (j) "Great Lakes ships" means ships of fifty tons register or upwards engaged in trade on the Great Lakes along the international boundary between the United States and Canada and traversing foreign waters during part of the voyage when clearing from a Great Lakes port;
- (k) "military aircraft" means aircraft owned, operated or controlled by the military authorities of any government other than that of Canada when the aircraft are departing from a Canadian Customs airport to a place out of Canada;
- (l) "Minister" means the Minister of National Revenue;
- (m) "missionary supply ships" means ships approved by the Minister for the supplying of arctic missions clearing from an ocean port direct to arctic waters;
- (n) "ocean port" means any Canadian port, from whence ships proceed on ocean voyages;
- (o) "Ocean ships" means ships of fifty tons register or upwards, clearing on an ocean voyage to a port out of Canada or from a port on the Atlantic coast of Canada to a port on the Pacific coast of Canada, or *vice-versa*, and ocean going salvage tugs clearing on an ocean voyage from an ocean port;
- (p) "ships' stores" means goods whether imported, manufactured or produced in Canada, listed in the Schedules to these regulations, which may be delivered free of duties and taxes to ships specified in these regulations;
- (q) "telegraph cable ships" means ships of fifty tons register or upwards fitted for the laying and repairing of oceanic telegraph cables, clearing on an ocean voyage from an ocean port;
- (r) "warehousing port" means any Customs port of entry appointed by the Governor in Council as a warehousing port; and
- (s) "weather ships" means ships of fifty tons register or upwards operated by the Department of Transport of Canada to obtain meteorological data on the high seas, clearing on an ocean voyage from an ocean port.



**Customs Act—continued**

(3) Subject to the conditions set forth in these regulations, Collectors of Customs and Excise at warehousing ports may deliver to

- (a) arctic ships the ships' stores listed in Schedule 3;
- (b) British warships the ships' stores listed in Schedules 1 and 4;
- (c) Canadian warships the ships' stores listed in Schedule 3;
- (d) commercial aircraft the ships' stores listed in Schedule 6;
- (e) fishing ships the ships' stores listed in Schedule 2;
- (f) foreign warships the ships' stores listed in Schedules 1 and 4;
- (g) foreign yachts the ships' stores listed in Schedule 7;
- (h) Great Lakes ships the ships' stores listed in Schedule 5;
- (i) military aircraft the ships' stores listed in Schedule 6;
- (j) missionary supply ships the ships' stores listed in Schedule 1;
- (k) ocean ships the ships' stores listed in Schedules 1 and 4;
- (l) telegraph cable ships the ships' stores listed in Schedule 1;
- (m) weather ships the ships' stores listed in Schedule 3.

4. Ocean ships engaged exclusively in foreign trade may bunker fuel oil or acquire other petroleum products as ships' stores at any Canadian port on the inward or outward journey.

5. Imported goods delivered ex-warehouse as ships' stores shall be transferred to ships only at ports and at outports which have been designated as warehousing ports; and the actual delivery of ships' stores ex-warehouse shall be made by a common carrier operating under a Suffrance Bond, by a carter holding a Drayman's Bond, or under convoy from the warehouse to the ship.

6. Dock officers are responsible for the checking of domestic and imported ships' stores at time of delivery, for certification and for sealing; where no dock officers are available, the Collector or Surveyor will, on request, assign a customs officer to perform these duties, including convoy where necessary. (Particular attention is directed to the necessity for sealing ships' stores promptly on delivery; also to the penalties provided for irregularities in connection with the unauthorized breaking of seals or the re-landing of ships' stores).

7. The master or owner of a ship shall at the port of clearance make a declaration on the relative entry that the stores are necessary and intended for the purpose of the voyage; "In Bond" goods delivered as ships' stores shall be accounted for on an entry form ex-warehouse for ships' stores. (Form B.8 or B.55).

8. Imported or domestic goods subject to duty or taxes shall not be used in the coasting trade as ships' stores without payment of duty or taxes.

9. The Collector at the port where goods are delivered as ships' stores shall ensure that only such quantities are delivered as are reasonably necessary for the purpose, and that such goods are to be used only on ships bound on voyages as specified; provided that the weekly supply of duty and tax free tobacco products and spirituous liquors and wines shall not exceed two hundred cigarettes or one-half pound of tobacco or fifteen cigars and forty ounces of spirituous liquors or wines for each member of the crew; the Collector may use his discretion as to quantities which may be placed on board for passengers' use.

**Customs Act—continued**

10. Surplus fuel on board steamships or motor ships arriving from places out of Canada is subject to duty and tax on importation, unless clearing for a port out of Canada, either directly or from a subsequent Canadian port: provided that in any case fuel for not more than fifteen days' consumption on board shall be exempt from duty and not considered surplus.

11. (1) Ships' Stores List Form E.1 properly certified and Crew's Customs Declaration Form Y.14, or their counterpart on the documentation of another country, shall be filed with Customs on each occasion on which a ship engaged in international trade makes a Report Inward from a foreign country.

(2) Ships' stores which have been checked at the first port of call shall be placed and remain under seal until the ship reports outward from her last port of call in Canada; collectors may, however, authorize a customs officer to break seal and release reasonable quantities for the immediate use of officers and crew, provided that issues of spirituous liquors in port shall be restricted to ships' officers; notation shall be made on port copies of the documents of the quantities so released; the Ship's Stores List and Crew's Declaration retained by the master shall, at the time of departure for another Canadian port, bear the certification of a customs officer, giving the exact quantities remaining under seal.

(3) The Ships' Stores List shall show the quantities and descriptions of stores usually carried by a ship and the Crew's Declaration shall itemize goods in the possession of each member of the crew, such as cigarettes, tobacco, liquor, radios and other articles on which duty and taxes have not been paid; wherever a ship changes from her international status by diversion to the coasting trade, surplus stores shall either be immediately duty and tax paid or, alternatively, removed from the ship and placed in a bonded warehouse.

(4) When a ship reporting inward has no cargo the Inward Report shall clearly state whether she is in ballast or in ballast with ships' stores.

(5) Items shown on Form Y.14 shall not be left in the possession of officers or members of the crew unless such items are duly entered at customs, either with the payment of duties and taxes or as an exemption or a casual allowance of cigarettes or tobacco for immediate needs; all other items shall be placed under seal, but the collector may permit non-consumable articles to remain in the possession of the owner on the assurance of the master that the articles shall not be taken from the ship; goods held by anyone for sale or distribution to members of the crew and not to be landed shall, after report, be placed under seal in the same manner as ships' stores and remain under seal until the ship reports outward from her last Canadian port.

(6) The following ships, when engaged in their regular operations, are exempted from filing Forms E.1 and Y.14:

- (a) Ferries operating internationally on prescribed daily schedules; but the owners or operators of such ferries shall make a special report in every case where such a report is necessary;
- (b) Ships engaged solely in the coasting trade and fishing ships which have not called at a foreign port nor had contact with a foreign ship for the transfer of stores;

Provided, however, that fishing ships departing from or arriving at a customs port of entry with ships' stores on board shall file the required Report Outwards or Report Inwards with Forms E.1 and Y.14 attached.

**Customs Act—continued**

12. A record of "In Bond" spirits and tobacco products for ships' stores shall be maintained on the following Forms:

- (a) Form E-103, Notice of Intention to Purchase Ships' Stores Ex-warehouse, Customs or Excise Bond. When issuing a clearance to a fishing ship proceeding to the high seas, or to any other ship clearing foreign via another Canadian port or ports, the Customs Officer shall endorse on the relevant Outward Report, Form A-7, and on the clearance, Form C-8, the serial number and date of the relevant Form E-103, a copy of which shall be attached to Form A-7 or C-8; the officer shall also indicate on Forms A-7 and C-8 whether or not sufficient ships' stores have been placed on board the ship for the duration of the voyage; masters or agents of ships clearing from an ocean port direct to a foreign port are not required to complete Form E-103.
- (b) Form E-103A, Record of Purchase of "In Bond" Ships' Stores, which shall be completed in all cases for "In Bond" spirits and tobacco products taken on board as ships' stores.

*Procedure for Handling Goods Subject to Excise Duty*

13. Domestic spirits, ale, beer, tobacco, cigarettes and cigars intended for ships' stores, if not already warehoused, shall have a warehouse entry passed therefor before being ex-warehoused for use as ships' stores.

14. Excisable goods shall be delivered only to ships sailing from a port or outport which has been designated as a warehousing port.

15. Five copies of the entry for goods ex-warehouse for ships' stores shall be made on Form B-55, Entry Free Ex-warehouse for Ships' Stores, which shall contain an exact specification of the goods.

16. Entries on Form B-55 shall be accompanied by a bond, on Form D-57 for double the amount of excise duty, except in cases where the licensee has deposited with the collector the bond of an approved guarantee company for an amount sufficient to cover the maximum amount of excise duty accruing on goods ex-warehoused for any shipment, but in no case shall the amount of the bond be less than \$5,000; collectors shall ensure that new bonds or continuation certificates are furnished for succeeding years; guarantee bonds and continuation certificates shall be held at the port.

17. Excisable goods for ships' stores shall be transported in the same manner as excisable goods being exported or removed from warehouse; they are not required to be transported under convoy.

18. Goods subject to excise duty, when forwarded from a place other than that from which the ship sails, shall be treated similarly to goods for export (*see* General Warehousing Regulations, Circular 327-C), and shall be consigned to the order of the collector of the port from which the ship clears; three copies of the ex-warehouse entry B-55 together with the Order Bill of Lading, shall be forwarded to the collector at the port from which the ship sails.

19. The master or other authorized officer of the ship to which the goods are delivered shall give a receipt for the goods and complete the declaration on three copies of the relative entry Form B-55; the customs officer who delivers the goods to the ship will complete the certificate on the same three copies.



**Customs Act—continued**

20. The collector of the port from which the ship sails shall file one copy and forward the remaining two completed copies of Entry B-55 to the collector of the port from which the goods were ex-warehoused and shipped; one of the completed copies of the entry showing clearance from Canada may be accepted as authority for the collector to cancel (without reference to the Department) the bond given when the goods were entered ex-warehouse; the other copy shall, for excise tax purposes, be dealt with in accordance with subsection (2) of section 21 of these regulations.

*Procedure for Handling Domestic Goods Subject to Excise Taxes and/or Sales Tax*

21. (1) The procedure prescribed by sections 13 to 20, inclusive, applies for excise tax or sales tax purposes to excise dutiable goods intended for ships' stores.

(2) The collector at the port at which the goods are ex-warehoused shall return a copy of Form B-55 Entry Free Ex-warehouse for Ships' Stores, properly completed, to the vendor of the goods to be held by him for excise tax audit or refund claim purposes.

22. Ships' stores subject to domestic excise and/or sales taxes only shall in all cases be accompanied on board by a customs officer, checked by him as to kind and quantity, and delivered to the master or other authorized person who shall give a written receipt therefor which, after being signed by the customs officer, shall be given to the vendor of the goods.

*Schedule 1*

- (a) Edible supplies.
- (b) Spirituous liquors and wines.
- (c) Ales and beers.
- (d) Mineral waters and soft drinks.
- (e) Tobacco, including cigarettes and cigars.
- (f) Matches and lighter fluid in dispensing cans.
- (g) Soaps and medicinal and toilet preparations.
- (h) Cleaning compounds and materials, including rags and wastes.
- (i) Boiler compounds and fuel oil treatment preparations and filter sponges.
- (j) Gas for refrigeration equipment and for welding purposes.
- (k) Petroleum products and lubricants.
- (l) Coal. (Except as otherwise ordered coal shall not be delivered out of warehouse duty free as ships' stores for any vessels clearing from the Port of Montreal or ports east thereof.)
- (m) Coating for boilers and coating for boiler bricks.
- (n) Paints, varnishes and solvents.
- (o) Stationery and other consumable paper supplies.

*Schedule 2*

- (a) Petroleum products and lubricants (when the duration of the voyage is not less than five days).
- (b) Spirituous liquors and wines (when the duration of the voyage is not less than fifteen days).
- (c) Tobacco, cigarettes and cigars manufactured in Canada (when the duration of the voyage is not less than fifteen days).



**Customs Act—continued***Schedule 3*

- (a) Edible supplies,
- (b) Spirituous liquors and wines,
- (c) Ales and beers,
- (d) Mineral waters and soft drinks,
- (e) Tobacco, including cigarettes and cigars,
- (f) Matches and lighter fluid in dispensing cans, and
- (g) Soaps and medicinal and toilet preparations,

when purchased by and for the use of the officers' wardroom and/or the ship's canteen.

*Schedule 4*

Goods for sale to passengers and/or officers and crew members.

*Schedule 5*

- (a) Petroleum products and lubricants.
- (b) Coal.

*Schedule 6*

Any consumable goods.

*Schedule 7*

- (a) Spirituous liquors and wines,
- (b) Ales and beers, and
- (c) Tobacco, including cigarettes and cigars,

when manufactured or produced in Canada.

**27. Regulations respecting Special Services**

P.C. 1954-1251

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 273 of the Customs Act, is pleased to order as follows:

1. The Regulations respecting Special Services, established by Order in Council P.C. 404 of 4th February, 1949, are hereby revoked; and
2. The annexed "Regulations respecting Special Services" are hereby made and established in substitution for the regulations hereby revoked.

**Customs Act—continued**

REGULATIONS RESPECTING SPECIAL SERVICES

1. In these regulations,

- (a) "authorized hours" means the hours of service fixed by the Deputy Minister to provide for variations required at particular Customs-Excise ports, offices or stations to meet public convenience or other local conditions;
- (b) "Deputy Minister" means the Deputy Minister of National Revenue for Customs and Excise; and
- (c) "special services" means Customs-Excise services of a special character rendered within authorized hours of service or Customs-Excise service rendered outside authorized hours, and includes
  - (i) Customs-Excise Services for the conveying of In Bond goods;
  - (ii) Customs services performed outside of Canada at the request of transportation companies or others;
  - (iii) Customs-Excise services on unscheduled trains, vehicles, vessels and aircraft, performed at the request of transportation companies or others;
  - (iv) Customs services to vessels for the acceptance of Inward or Outward Reports or the granting of clearances at other than authorized hours;
  - (v) Customs services to vessels for the loading or discharge of cargo at other than the authorized hours prevailing at the pier;
  - (vi) Customs services requested for the examination, outside of authorized hours, of baggage of persons travelling by commercial water or air transport, including company owned aircraft;
  - (vii) Customs services outside of authorized hours of service requested for the release of goods;
  - (viii) Customs and Excise services required for the delivery of ships' stores outside the limits of the warehousing port or outside authorized hours;
  - (ix) Excise supervision at Excise establishments licensed under the Excise Act; and
  - (x) Such other Customs and Excise services of a special character or class as may be granted with the approval of the Deputy Minister.

2. (1) Special service shall be charged at the rate of \$2.50 per hour or portion thereof; the minimum charge shall be for a period of two hours except where Customs locker service or Excise supervision at Excise establishments is rendered, in such cases the minimum charge shall be for one hour only.

(2) Where special Customs service involves a minimum of two consecutive regular eight-hour days, the charge for the special service rendered shall be based on the pro-rated salary and overtime of the officer rendering the service.

(3) In addition to the charges prescribed by subsections (1) and (2), the necessary transportation and living expenses of the officer providing the service are chargeable to the person accommodated.

3. Payment for special service shall be made to the Collector of Customs and Excise responsible for the officers rendering the service.

**Customs Act—continued**

4. No special sevice charge shall be levied for
  - (a) the examination or documentation of tourists' vehicles or pleasure craft (water or air) reporting to Customs; necessary transportation expenses of Officers providing the service are, however, chargeable to the person accommodated; or
  - (b) other special services rendered outside authorized hours of service or on Customs holidays (except Sundays) approved by the Deputy Minister.

NOTE: *see* Hours of Service, Customs Officers, page 870.

**28. Regulations *re* temporary exportation of vehicles**

P.C. 1954-1290

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of the Customs Act, is pleased to make the annexed "Regulations governing temporary exportation of automobiles, trucks and other vehicles by Canadian residents", and they are hereby made and established, accordingly.

REGULATIONS GOVERNING TEMPORARY EXPORTATION OF AUTOMOBILES,  
TRUCKS AND OTHER VEHICLES BY CANADIAN RESIDENTS

1. Automobiles, trucks and other vehicles, Canadian built or duty paid in Canada, travelling under their own power or transported by rail or vessel, may be exported temporarily under Canadian Vehicle Permit, Form E.60; this permit, valid until March 31st of the fiscal year in which it is issued, shall be applied for by the owner of the vehicle at the customs port of exit from Canada, and must be produced to Canada Customs upon re-entry of the vehicle to Canada; it shall serve to identify the vehicle as of Canadian origin and provide for its re-entry without payment of duty or taxes except on any accessories acquired abroad; in the event that accessories are installed abroad, the permit must be surrendered on the owner's return to Canada, for amendment or replacement by a fresh permit.

2. Change of ownership or registration of the vehicle automatically renders the permit invalid.

3. When, because of an accident abroad, it is necessary to have repairs made to the vehicle, such repairs, on report to and examination by Customs at the frontier, may be admitted free from duty or taxes if, in the opinion of the Collector, they were compulsory in order that the vehicle might be returned to Canada under its own power.

4. Exemption from duty and taxes may be permitted of one tire and/or tube, on report to and examination by Customs at the frontier, required to be purchased in the ordinary course of travel or as the result of a blow-out which has rendered the original tire and/or tube irreparable, as replacements on a vehicle being operated abroad for private and personal



**Customs Act—continued**

transportation, provided that such exemption is claimed once only in any period of twelve months; tires and tubes purchased as replacements on a truck or truck-tractor, motor bus, taxi or other such vehicle operated abroad commercially, are subject to duty and taxes in the regular manner, but the owner may refer the matter to the Department, with full particulars, for consideration as to refund.

**29. Customs Manifest Regulations**

P.C. 1954-1291

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of sections 273 and 274 of the Customs Act, is pleased to order as follows:

1. The regulations concerning the transporting, manifesting and reporting of dutiable goods by railway in or through Canada, established by Order in Council P.C. 27/1108 of 15th May, 1937, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Customs Manifests" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING CUSTOMS MANIFESTS

1. These regulations may be cited as the *Customs Manifest Regulations*.

2. In these regulations,

(a) "Department" means the Department of National Revenue, Customs and Excise Divisions;

(b) "Deputy Minister" means the Deputy Minister of National Revenue, Customs and Excise, and

(c) "Minister" means the Minister of National Revenue.

3. (1) Unless otherwise specially provided, all goods arriving from foreign territory whether destined to a port of entry in Canada or to any other place in Canada, or for transportation in transit through Canada, shall be placed under manifest executed by a bonded carrier.

(2) When in bond goods are destined to a place in Canada other than a Customs port at which they may be entered, they shall be manifested on the nearest Customs port short of their destination, except in cases where arrangements have been made with the carrier to have them manifested on some other port where the importer may desire to pass entry.

(3) Goods forwarded in bond shall be manifested only on Customs ports, outports or manifesting stations, and the waybills covering such movements shall be distinctly marked IN BOND.



**Customs Act—continued**

4. Manifests shall be in such form and call for such information as may be prescribed from time to time by the Minister.

5. Every transportation company shall, before being permitted to manifest and transport goods in bond, enter into a general bond with the Department in such penal sum as the Minister may determine; such bonds shall be filed with the Deputy Minister and shall be security for the due and faithful production at the respective ports of entry of all packages transported by the company, and for compliance with the Customs and Excise laws and regulations governing such traffic.

6. (1) Every bonded carrier shall provide the Department without charge,

(a) with secure and commodious sufferance warehouses and other necessary premises at each Customs port, outport or manifesting station through which it operates for landing, storing, transferring, examining, delivering and forwarding bonded goods; and

(b) with the necessary office accommodation and furniture, fuel, light and cleaning service for the exclusive use of the officers of Customs assigned to duty or attendance at that point.

(2) All such premises shall be made secure to the satisfaction of the Collector or other proper officer of Customs.

7. Customs Tyden seal presses shall be provided where required by the Department upon requisition; locks, seals or other fasteners used in connection with the transportation of bonded goods shall be such as are approved by the Minister and shall be provided at the expense of the carrier.

8. The sealing of cars and the cording and sealing of baggage shall be performed at the expense of the carrier under the supervision of an officer of Customs; such seal shall not thereafter be removed or broken except in the presence of an officer of Customs.

9. The printing and supplying of report forms and manifests as approved by the Minister shall be the responsibility of the carrier.

10. Every package arriving by express shall have the shipper's and consignee's name and address plainly marked thereon.

11. Where a copy of a Canadian manifest is required by a carrier for delivery to United States Customs, such copy shall be certified by the appropriate Canadian Customs Officer.

12. Goods accounted for by Entry for Removal Ex-Warehouse (Form B.10), and Entry for Export Ex-Warehouse (Forms B.9 and B.54), shall be manifested only when forwarded from one port to another port for exportation, except in such cases as may be designated by the Minister.

13. (1) Goods transported from one port in Canada to another port in Canada over United States territory shall be placed under manifest executed by a bonded carrier.

(2) Such goods shall be transported in vehicles under Canadian Customs seal applied at a Canadian Customs port, and such vehicles shall remain so sealed until they have re-entered Canada; goods that cannot be transported in closed vehicles may be transported in open vehicles provided that they can be identified on re-importation.

**Customs Act—continued**

(3) The carrier shall present to the Collector of Customs and Excise at the Canadian frontier port of exit prescribed manifests designating the Canadian frontier port of re-entry or destination for such goods, and each manifest shall contain a proper description of the goods showing marks, numbers and contents, the destination, consignor and consignee, and the route over which the goods are to be carried.

**30. Regulations re temporary entry of automobiles and other personal effects**

P.C. 1954-1292

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of paragraph (c) of section 273 of the Customs Act, is pleased to make the annexed "Regulations respecting the temporary entry of automobiles and other personal effects of non-residents", and they are hereby made and established, accordingly.

REGULATIONS RESPECTING THE TEMPORARY ENTRY OF AUTOMOBILES  
AND OTHER PERSONAL EFFECTS OF NON-RESIDENTS

*Automobiles Entered by Non-Residents  
for Personal Transportation*

1. (1) Automobiles entered by non-residents for personal transportation may be admitted without payment of duty under travellers' vehicle permit, Form E-50, subject to the following conditions:

- (a) on arrival at the frontier customs port of entry, the driver of the automobile shall report at Customs and apply for a permit; the applicant shall be a non-resident of Canada and a temporary visitor therein, and the owner of the automobile or a member of the immediate family of the owner, or be able to produce written authority from the owner to use the automobile;
- (b) the automobile shall be admissible only when entered for the use of the non-resident permit holder for the transportation of himself, his family and guests, and such incidental carriage of articles as may be necessary and appropriate to the visit in Canada, but not for the transportation of persons or of articles or merchandise for sale or for hire, or in any case primarily for the carriage of articles; its use in Canada by any person other than the non-resident permit holder or a non-resident with written permission of the permit holder, or its use in any manner except as herein provided may result in seizure and forfeiture of the automobile.

(2) There is no charge for customs service at any time in connection with the entry of non-residents' automobiles.

**Customs Act—continued**

2. A non-resident may enter Canada with an automobile for a visit not exceeding forty-eight hours, when the Collector is satisfied that the conditions of paragraphs (a) and (b) of section 1 are complied with, upon surrender of the State licence card for the automobile, which will be returned to him on his departure from Canada through the same port and in such cases Form E-50 need not be issued; if the non-resident plans to leave Canada at a different port than the one through which he enters, Form E-50 shall be issued and the licence card retained in his possession.

3. (1) If the non-resident, reporting to Customs on arrival at the frontier, requires a vehicle permit for a period exceeding forty-eight hours, the Collector, when satisfied that the conditions of paragraphs (a) and (b) of section 1 are met, may admit the automobile under Form E-50 for a period not exceeding sixty days, unless a permit for a longer period is required by the applicant in which case it may be made effective for any period not exceeding six months from the date of entry.

(2) When, for a valid reason, the automobile cannot be exported within the effective period of the permit, the holder, before the permit expires, shall apply to the nearest Collector to have it renewed; when satisfied of the *bona fides* of the application, the Collector may issue a new Form E-50 for such additional period as may be required but not exceeding six months; any request for permission to retain an automobile under permit in Canada for a period in excess of twelve months from the date of the original entry shall be referred to the Deputy Minister of National Revenue for Customs and Excise, Ottawa, who may authorize an extension for such additional period as may be necessary, and may specify the conditions under which such extension may be granted and with what security.

(3) On the departure of the non-resident from Canada he shall surrender his permit to the Collector at the frontier port of exit.

4. An automobile equipped with a two-way radio installation or mobile telephone may be permitted entry into Canada under vehicle permit, provided that the applicant for the permit produces a written authorization signed by the Controller of Telecommunications, Department of Transport, Ottawa, authorizing him to use the equipment in Canada; where such authorization is not produced the automobile may be permitted to proceed only after the installation has been placed under Customs seal in such a manner as to prevent its operation in Canada; on report outwards the seal will be removed by the Customs officer, but should the seal be found to have been broken or removed the automobile will be subject to seizure; the fact that the automobile is equipped with a two-way radio or mobile telephone installation shall be noted on the permit form.

*Sporting Outfits and Other Personal Effects of Non-Residents*

5. (1) Articles ordinarily classified as sporting outfits and personal effects, brought into Canada by non-resident visitors for personal temporary use, are admissible without payment of duty or taxes upon report to Customs, under temporary admission report, Form E-29, or may be entered, where no deposit is required, by the traveller's vehicle permit, Form E-50, where space permits.

(2) Temporary entry in this manner is conditional on the articles being for the non-resident's personal use, actually in his possession at time of his arrival in Canada; and reported to Customs for identification on the owner's departure from Canada within six months from the date of



**Customs Act—continued**

entry, at which time the permit shall be surrendered; if any article admitted under Form E-29 cannot be produced for identification by Customs on the departure of the permit holder from Canada, duty shall be paid thereon in the regular manner or the deposit, if any, taken to account as duty and taxes.

6. Temporary entry under Form E-29 is permitted the personal effects, including a reasonable quantity of household furniture, of non-resident students entering Canada to attend institutions of learning, subject to the condition that such effects shall be exported under Customs supervision immediately after the conclusion of the school term or course of studies.

7. The conditions of entry of articles normally comprising the outfits or effects of non-residents are as follows:

<i>Articles</i>	<i>Conditions of Entry</i>
Alcoholic Liquor .....	40 ounces per adult person free of duty; any quantity exceeding 40 ounces is prohibited.
Ammunition .....	50 rounds per person free of duty.
Boats, portable .....	E-29, without deposit.
Cameras, still and motion picture ..	E-29, without deposit.
Camping equipment .....	E-29, without deposit.
Canoes .....	E-29, without deposit.
Cigarettes .....	Up to 200 per person free of duty.
Cigars .....	Up to 50 per person free of duty.
Dogs, pet (see section 8) .....	Admissible free of duty as part of personal baggage.
Dogs, hunting .....	E-29, without deposit.
Film, photographic, black and white or colour, still and motion picture .	Up to six rolls per person free of duty.
Firearms; pistols, revolvers, fully automatic, auto-loading or single shot, not including air pistols ....	Prohibited entry.
Fishing Tackle .....	E-29, without deposit.
Flashbulbs .....	Up to 12 per person free of duty.
Foodstuffs .....	Quantities sufficient for not more than two days' consumption per person, free of duty.
Furniture, household .....	E-29, with deposit equal to duty and taxes.
Gasoline .....	Quantity sufficient for 300 miles travel by automobile, free of duty.
Instruments, musical .....	E-29, without deposit.
Motors, outboard .....	E-29, without deposit.
Pets, other than dogs .....	E-29, without deposit.
Pistols .....	Prohibited entry.
Radios .....	E-29, without deposit.
Revolvers .....	Prohibited entry.
Rifles (regular or auto-loading) for sporting use (see section 9) .....	E-29, without deposit.



**Customs Act—continued**

<i>Articles</i>	<i>Conditions of Entry</i>
Shotguns, regular or auto-loading, for sporting use .....	E-29, without deposit.
Sports equipment .....	E-29, without deposit.
Stenotype Machines .....	E-29, without deposit.
Tape Recorders .....	E-29, without deposit.
Television Sets, portable or table model .....	E-29, without deposit.
Television Sets, non-portable or floor model .....	E-29, with deposit.
Tobacco, manufactured .....	Up to two pounds per person, free of duty.
Typewriters .....	E-29, without deposit.

*Dogs Accompanying Non-Residents*

8. (1) Under regulations of the Canadian Department of Agriculture all dogs brought into Canada from the United States of America shall be accompanied by a certificate in one of the following forms:

- (a) a certificate signed by a licensed veterinarian of Canada or the United States certifying that the dog has been vaccinated against rabies during the preceding six months; or
- (b) a certificate signed or endorsed by a veterinary inspector of the United States Bureau of Animal Industry certifying that the dog is free from contagious disease, that it has not been exposed to rabies, and that no case of rabies has occurred within a radius of fifty miles of the place where the dog has been kept for a period of six months preceding presentation for entry into Canada.

(2) The certificate must be produced to a Canadian Customs officer each time the dog is brought into Canada.

(3) A dog brought into Canada, in transit from one point in the United States to another point therein over Canadian territory, may be allowed entry to Canada without veterinarian documentation conditional upon the owner of the dog furnishing a statement that it will not be allowed to come in contact with another dog in Canada during the journey, which must be continuous.

(4) Seeing-eye dogs and dogs trained for public entertainment, if healthy, will be given unrestricted entry.

*Firearms*

9. All firearms must be immediately registered with the local police authorities in order that they may be legally possessed in Canada.

*Travellers' Baggage*

10. Wearing apparel, articles of personal adornment, toilet articles and similar personal items of persons arriving in Canada may be passed free, without entry at Customs, as travellers' baggage, under the provisions of the Customs Tariff, but this provision includes only such articles as actually accompany the owner and are in use by him, and are necessary and appropriate for the immediate purpose of his journey and his comfort

**Customs Act—continued**

and convenience; it does not apply to merchandise or articles intended for other persons or for sale, all such items being subject to due entry as otherwise provided in the Customs Tariff.

*Tools of Trade*

11. The usual tools of trade, occupation or employment of the owner, in used condition, if imported for his personal use and actually in his possession at the time of his arrival in Canada, may be admitted free as travellers' baggage; tools owned by the person, firm or company by whom the tradesman or technician is employed, are not admissible as travellers' baggage but are subject to due entry as otherwise provided in the Customs Tariff.

**31. Commercial Vehicles (Customs) Regulations**

P.C. 1954-1376

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the powers conferred by section 273 of the Customs Act, is pleased to make the annexed "Regulations respecting Commercial Vehicles", and they are hereby made and established, accordingly.

REGULATIONS RESPECTING COMMERCIAL VEHICLES

1. These regulations may be cited as the *Commercial Vehicles (Customs) Regulations*.

2. In these regulations,

- (a) "Department" means the Department of National Revenue, Customs and Excise Divisions;
- (b) "Minister" means the Minister of National Revenue; and
- (c) "vehicle" means any highway vehicle carrying passengers and/or baggage for hire or goods for gain or hire, and includes taxis, buses, trucks, truck-trailers, trailers and semi-trailers; and, except as provided in section 27, a trailer or semi-trailer need not be issued a separate permit but may be covered by the permit issued in respect of the vehicle by which it is hauled.

*Transportation of Goods or Passengers to and from Canada and the United States*

3. (1) Highway vehicles employed in the transportation of passengers or goods across the frontier between a point or place in the United States and a point or place in Canada, and vehicles being driven to a predeclared point in Canada to obtain a load for export may be permitted entry without the payment of duty under Commercial Vehicle Permit, Form E-50B, conditional on exportation under customs supervision within a period of thirty days.

**Customs Act—continued**

(2) Such vehicles are not permitted to load passengers or goods at one place in Canada and discharge them at another place therein, but these provisions shall not operate to prevent vehicles of foreign origin and non-duty paid, brought in by non-residents of Canada and used in the international conveyance of passengers and goods, from

- (a) discharging at different places in Canada, on the inward trip, passengers and goods destined through direct from the point of embarkation in the United States to the point of discharge; or
- (b) taking on at different places in Canada, on the outward journey, passengers and goods destined through direct from the point of loading to a point in a foreign country;

provided that the places of discharge or loading, respectively, are on a direct route between the frontier and the point in Canada as indicated on the Commercial Vehicle Permit.

4. (1) Goods transported by foreign motor vehicles and not intended for delivery into an established highway sufferance warehouse or which are in transit through Canada, in accordance with the provisions of the Regulations Respecting Highway Sufferance Warehouses (Memorandum Series D No. 133) and sections 5 to 22 inclusive of these regulations, shall be duly entered at Customs at the frontier port of arrival, otherwise they must be forwarded by rail in bond to the port of destination.

(2) The following articles may be allowed to go forward from the frontier to the interior port under Manifest A.8A for clearance if report and deposit are not made at the frontier:

- (a) articles entitled to entry as settlers' effects on Form B.4 or B.4½, or under Tariff Item 706;
- (b) articles brought in for *bona fide* exhibitions and eligible for entry on Form B.18; and
- (c) articles for special use and horses for breeding purposes, eligible for entry under the Regulations Respecting Temporary Entry of Articles for Special Use (Memorandum Series D No. 23) (Revised 1942) and the Regulations Respecting Temporary Entry of Articles for Repair, Adjustment or Test (Memorandum Series D No. 5), respectively.

*Transportation of Goods in Bond Through Canada*

5. A highway vehicle may enter Canada, under Commercial Vehicle Permit, Form E.50B, without payment of duty and return to the United States when employed in conveying goods (dutable or not) in bond in transit through Canada from a point or points in the United States to another point or points therein, provided that the owner or operator of such vehicle apply in writing to the Department for the privilege of a bonded carrier, stating

- (a) his full name and address;
- (b) the total number and value of the vehicles (including trailers) to be used, and the specifications thereof, including the trade name, model and serial number;
- (c) the Customs ports of entry into and exit from Canada and the routes to be followed; and
- (d) the type of goods to be carried and whether such goods will be carried on his own behalf, on behalf of one or more shippers in particular, or of shippers generally.



**Customs Act—continued**

6. Upon approval of the application, the applicant shall furnish the Department with the bond of an acceptable guarantee company in Form A hereto annexed, in a penal sum to be fixed by the Minister, not to exceed \$80,000; such bond shall remain in full force and effect for a period of twelve months unless revoked prior thereto, and shall be subject to renewal thereafter annually on request of the Department.

7. Upon acceptance of the bond by the Department, the applicant shall be authorized as a bonded carrier for the transportation of goods in bond from one point in the United States to another point therein, in transit through Canada, *via* the ports of entry and exit and the route specified in the bond, subject to full compliance with customs laws and regulations and in particular to those laws and regulations pertaining to the transportation of in bond goods.

8. An owner or operator proposing to transport a single shipment of goods through Canada may, instead of applying for an annual bond, apply to the Collector at the frontier port of entry into Canada for the privilege, and the Collector may permit the in transit movement of the goods in a particular vehicle under permit Form E.50B, by a specified route, for one through trip only, on production of a guarantee bond in Form B hereto annexed, in a penal sum of not less than \$1,000 and not exceeding \$10,000; the manifesting and checking procedure to be followed by the single trip bonded carrier shall be the same in every respect as that provided for the bonded carrier operating under an annual bond.

9. The privilege authorized by these regulations being solely in respect of the through transportation of goods, the movement through Canada shall be continuous, except for

- (a) necessary stops for servicing the vehicle or for the immediate needs of the driver; and
- (b) stops occasioned by accident or emergency *en route* (see section 15).

10. The discharge of goods from bonded vehicles while in transit through Canada for transfer to other vehicles, for storage, or for any other purpose, except as provided for by section 15, is prohibited.

11. Goods arriving in Canada in bonded vehicles or in compartments therein, deemed secure by the Collector at the frontier port of arrival, shall be sealed at the expense of the parties accommodated, and may be permitted to be transported in bond under these regulations without unloading or examination; goods which the Collector considers cannot be securely sealed, shall be checked against the manifest, and shall be unloaded for this purpose if, in the Collector's opinion, a satisfactory check cannot otherwise be made.

12. Where the nature of the goods or the type of vehicle used does not permit of the merchandise being placed under seal, or unnecessary time and labour would be involved in unloading and checking the goods, or for any other reason, the Collector may, in his discretion, permit the load to be moved in transit in bond under the convoy of a Customs officer, at the expense of the party accommodated.



**Customs Act—continued**

13. Highway Manifest, Form A.8 $\frac{1}{2}$ , (Revised) shall be prepared in quadruplicate by the carrier or the shipper, describing each shipment, and shall be produced to the Collector at the frontier port of arrival; one set shall be prepared for each vehicle, and shall be disposed of as follows:

- (a) the original shall be retained at the frontier port of arrival;
- (b) the second copy shall be carried by the driver of the vehicle for presentation to the Collector at the frontier port of exit;
- (c) the third copy shall be placed in a sealed envelope addressed to the Collector at the frontier port of exit and shall be delivered to him by the driver of the vehicle; and
- (d) the fourth copy shall be mailed direct to the Collector at the frontier port of exit and, after cancellation, be forwarded to the Department.

14. At the frontier port of exit the Collector shall receive from the driver his copy of the manifest and the copy forwarded under sealed cover; in respect of sealed vehicles, or sealed compartments therein, the Collector shall satisfy himself that the seals are intact, cancel the manifest by impressing the port dating stamp thereon, and return one cancelled copy by mail to the port of issuance; in respect of goods which are not in sealed vehicles or sealed compartments, a detailed check of the packages shall be made against the manifest, the vehicles to be unloaded at the discretion of the Collector for this purpose if a satisfactory check cannot otherwise be made, after which the manifest shall be cancelled and one cancelled copy returned to the frontier port of issuance; the second copy of the manifest shall be retained at the frontier port of departure for port record purposes.

15. (1) In the case of accident or other emergency *en route*, goods in a bonded vehicle may be transferred to another vehicle (bonded or otherwise); the driver of the bonded vehicle shall report the accident or emergency at once to the nearest Collector of Customs or officer of the Royal Canadian Mounted Police, and request the attendance of an officer to supervise transshipment.

(2) The supervising officer shall note on both copies of the manifest carried by the driver particulars of the accident or emergency and details of the loss or damage to the goods listed on the manifest (opening the envelope addressed to the Collector at the frontier port of exit for this purpose, and then resealing it).

(3) The supervising officer shall take into custody any goods which, as a result of the accident or emergency, cannot be transferred or forwarded, reporting full particulars to the Department for instructions.

(4) The charge for the supervising officer's services shall be at the rates established for special services and shall be paid to the Department, together with his transportation and other expenses, by the party accommodated.

16. Drivers of vehicles operating pursuant to these regulations must be citizens of Canada or of the United States, and each is required to carry on his person his birth certificate and a certificate of identity signed by the manager of the transportation company concerned, bearing the photograph and a description of the holder, and his signature; these requirements may be waived in the case of a private owner transporting his own goods in his personally-owned vehicle for non-commercial purposes.

**Customs Act—continued**

17. Nothing in these regulations shall be construed as authorizing owners of United States vehicles to operate over Canadian highways without a motor vehicle licence issued by the provincial authorities concerned, where required; it is the responsibility of operators to arrange with the provincial highway departments for licensing of their vehicles.

18. (1) The privileges set forth in section 5 *et seq.*, may be extended to vehicles entering Canada with merchandise which is to be transferred to vehicles, railway cars, vessels or aircraft for export; in movements of this kind "port of exit" means any port where a transfer is made.

(2) In all cases the transshipment shall take place under customs supervision and highway manifests cancelled by transshipment rather than by actual export shall, in addition to any other information, bear a notation showing the remanifest number or numbers under which the merchandise went forward and the point where final export is to take place.

19. Transshipment must be made directly from the inbound vehicle to a vehicle, railway car, vessel or aircraft operated by the second carrier or into a sufferance warehouse approved by the Department.

20. Nothing in these regulations shall be construed as amending or cancelling in any way legislation or agreements controlling the movement of United States and Canadian freight between Pacific west coast ports.

21. Merchandise in transit must originate at and be destined for points outside of Canadian territory.

22. The Minister may require payment by the parties accommodated, at the rates established, for the services of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit in bond through Canada.

23. A vehicle equipped with a two-way radio installation or mobile telephone may be permitted entry into Canada under vehicle permit, provided that the applicant for the permit produces a written authorization signed by the Controller of Telecommunications Department of Transport, Ottawa, authorizing him to use the equipment in Canada; where such authorization is not produced the vehicle may be permitted to proceed only after the installation has been placed under Customs seal in such a manner as to prevent its operation in Canada; on report outwards the seal will be removed by the Customs officers, but should the seal be found to have been broken or removed the vehicle will be subject to seizure; the fact that the vehicle is equipped with a two-way radio or mobile telephone installation shall be noted on the permit form.

*Transportation of Goods in Bond Through the United States*

24. Canadian highway vehicles may enter the United States and re-enter Canada without payment of Canadian duty on such vehicles when employed in conveying passengers and their baggage and/or merchandise in transit in bond through the United States from one point in Canada to another point therein, under the following conditions:

- (a) vehicle operators must comply with all United States laws and regulations;
- (b) the vehicles must be of Canadian manufacture or duty paid in Canada and covered by a permit Form E.60:

**Customs Act—continued**

- (c) a Highway Manifest Form A.8 $\frac{1}{2}$  (Revised) shall be prepared in quadruplicate by the carrier or the shipper, describing each shipment, and shall be produced to the Collector at the frontier port of departure from Canada; one set shall be prepared for each vehicle or unit and shall be disposed of in the following manner:
  - (i) the original shall be retained at the frontier port of departure,
  - (ii) the second copy shall be carried by the driver of the vehicle for presentation to the Collector at the frontier port of re-entry,
  - (iii) the third copy shall be placed in a sealed envelope addressed to the Collector at the frontier port of re-entry, and be delivered to him by the driver of the vehicle, and
  - (iv) the fourth copy shall be mailed direct to the Collector at the frontier port of re-entry and after cancellation forwarded to the Department; and
- (d) sufficient detail must be shown on each manifest to enable the Customs officer to check the contents of the vehicle accurately; failure to declare any merchandise and any false declaration may render the goods and vehicle liable to seizure; the manifest shall be given a sending port number only, taken from the Register of Manifests Forwarded; cancellation will be effected at the port of re-entry by placing thereon the port dating stamp and the signature of the officer responsible for the examination of the vehicle.

25. All vehicles carrying merchandise in transit through the United States must either be sealed or checked in detail at both exit and entrance; where seals are not used this check must be carefully performed and wherever necessary or desirable the vehicles must be unloaded; all labour in loading or unloading must be supplied by the operator of the vehicle without expense to the Department, and where this requirement is not complied with the vehicle shall not be allowed to proceed.

26. (1) Yellow Ball Tyden Seals, serially numbered, are available on requisition for use at all frontier offices and shall be used wherever seals are applied and a charge of 25c made for each truck, trailer or semi-trailer, irrespective of the number of seals used to close the various openings on each vehicle.

(2) The charge shall be collected from the parties accommodated at the time of sealing except where trucking companies are operating on a regular schedule and making more than twenty-five in transit trips in any one calendar month; in such cases a record shall be kept and payment made promptly at the end of each month.

(3) The seals shall be broken by a Customs Officer at the point of re-entry into Canada; when the seals have been broken in transit or a discrepancy is noted in the seal numbers, the contents of the vehicle shall be checked in detail against the manifest.



**Customs Act—continued**

27. Permit Form E.60 shall be used to cover vehicles employed in the transportation of goods in transit through the United States and, if necessary, separate Forms E.60 may be issued to cover tractors and semi-trailers; trailers conveying the goods in transit may be detached from the tractors which originally moved them out of Canada and attached to other Canadian tractors in the United States, provided that the trailer and tractor units are documented by separate Forms E.60; the use of non-duty paid tractors for the purpose of hauling trailers moving goods in transit through the United States for any part of the journey is prohibited, and any violation of this regulation shall result in the privilege of transportation of goods in transit being denied the offending carrier.

28. In the case of accident or other emergency while *en route* through United States territory, the driver shall report to the nearest United States Collector of Customs and safeguard the contents of the load pending instructions for transshipment or export by other means; the driver shall have his copy of the manifest endorsed by the proper United States officials to indicate the nature and circumstances of the accident or emergency and when the goods finally reach the Canadian border they shall be checked in detail at the expense of the operator.

29. Wherever possible convoy officers will be provided on request and at the expense of the parties accommodated as an alternative to unloading and checking at both ends of the journey; where goods enter or leave Canada at a point where there is no Customs office convoy arrangements are mandatory, but in all other cases they are subject to the discretion of the Collector and the availability of convoy officers; requests which involve service for unreasonable distances should be refused; in all cases the parties accommodated must provide transportation for the officers in both directions, using taxis or company vehicles, and supply room and board where necessary; the charge for the officers' service will be at the rates established for special services.

30. Where shortages are found, indicating that goods have been left in the United States, a full report shall be forwarded to the Department in order that a check may be made against export permits and export entries; where additional material is found to have been added to the load, standard seizure action shall be taken.

31. The Minister may require repayment by the parties accommodated, at established rates for services of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit in bond through the United States.



Customs Act—continued

FORM A

**GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR  
VEHICLES OPERATING AS BONDED CARRIERS OF  
GOODS IN TRANSIT THROUGH CANADA**

KNOW ALL MEN BY THESE PRESENTS

The we,  
(hereinafter called the Guarantee Company) are held and firmly bound unto Our Sovereign Lady the Queen in the sum of.....dollars, to be paid to Her said Majesty, Her Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas  
of  
has been granted permission to  
transport goods in bond through Canada, from a point or points in the United States of America to another point or points therein, by motor vehicle, without payment of duties and taxes, entering Canada at the Canadian frontier port of and departing from Canada via the port of , proceeding by the following route

Now, therefore, the condition of the above written obligation is such that if the said bonded carrier , his successors or assigns do, and shall export all goods that shall have been brought into Canada by him to be transported by motor vehicle "in bond" in transit through Canada and under manifest; and if the said bonded carrier conforms to and complies with the regulations established by the Minister of National Revenue relating to the transportation of "in bond" goods in transit through Canada for export by motor vehicle, and all Customs laws and regulations now in effect or which may be lawfully made hereafter by competent authority, the above obligation to be void; otherwise to remain in full force and effect.

It is a further condition of these presents that this said bond as between the Guarantee Company and Our Sovereign Lady the Queen is to remain in full force and effect for the period of one year from the date hereof, subject to renewal annually thereafter with the approval of the Deputy Minister of National Revenue, and also subject to cancellation for cause at any time by the Deputy Minister of National Revenue.

In witness whereof the said company has hereunto affixed its Corporate Seal and by its .....  
..... and .....  
signed this Bond at .....  
this ..... day of ....., 195...

Witness

(Seal)

Customs Act—continued

FORM B

**GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR  
VEHICLES IN TRANSIT THROUGH CANADA TRANS-  
PORTING A SINGLE TRIP SHIPMENT OF GOODS**

KNOW ALL MEN BY THESE PRESENTS

That we,  
(hereinafter called the Guarantee Company) are held and firmly bound  
unto Our Sovereign Lady the Queen in the sum of.....dollars,  
to be paid to Her said Majesty, Her Heirs and Successors, for the payment  
of which we bind ourselves and our assigns by these presents.

Whereas ..... of  
..... has been granted permission for  
one trip to transport goods in bond through Canada, from a point or points  
in the United States of America to another point or points therein, without  
payment of duties and taxes, entering Canada at the Canadian frontier  
port of ..... and departing from Canada  
via the port of ..... , proceeding by the  
following route ..... by motor  
vehicle bearing Licence No. .... of the  
State or Province of .....

Now, therefore, the conditions of the above obligation are such that if  
within six days from the date of the original importation of the said motor  
vehicle and its contents as per report inwards thereof and manifest at the  
frontier customs house where this bond is delivered, the said motor vehicle  
and contents be withdrawn for actual export beyond the limits of Canada  
and proof of such export be filed in due course with the Collector at the  
said port, then the above obligation to be void; otherwise to remain in full  
force and effect.

In witness whereof the said company has hereunto affixed its Corporate  
Seal and by its .....  
..... and .....  
signed this Bond at .....  
this ..... day of ....., 195...

Witness

(Seal)

FORMS

Copies of the forms referred to in these regulations may be obtained  
on application to the Customs and Excise Division, Department of National  
Revenue, Ottawa.

**Customs Act—continued****32. Certain entries perfected by production of commercial invoices**

P.C. 1954-1672

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to section 26 of the Customs Act, is pleased to make the following regulation, and it is hereby made and established, accordingly.

Importations consisting of merchandise for sale may be admitted upon the production of commercial invoices in respect of goods valued at less than twenty-five dollars.

**33. Customs Warehousing Regulations**

P.C. 1954-1699

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to sections 273 and 278 of the Customs Act, is pleased to order as follows:

1. The Customs Warehouse Regulations, established by Order in Council P.C. 89/692 of 1st March, 1946, are hereby revoked; and
2. The annexed "Customs Warehousing Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**CUSTOMS WAREHOUSING REGULATIONS**

1. These regulations may be cited as the *Customs Warehousing Regulations*.
2. In these regulations,
  - (a) "Collector" means the Collector of Customs and Excise in charge of the port in which a warehouse is located;
  - (b) "Department" means the Department of National Revenue, Customs and Excise Division; and
  - (c) "Minister" means the Minister of National Revenue.
3. Warehouses may be appointed pursuant to these regulations for the safe-keeping of imported goods after entry, without payment of duty.
4. Sufferance warehouses may be appointed pursuant to these regulations for the safe-keeping of imported goods before entry, without payment of duty.

**Customs Act—continued**

CLASSES OF CUSTOMS WAREHOUSES

CLASS I. CANADIAN GOVERNMENT WAREHOUSES

5. (1) The following are the warehouses in this class:

- (a) Customs Express Branch: for the safe-keeping, examination and appraisal by Customs of imported goods carried by air or rail express;
- (b) Examining Warehouse: for the safe-keeping, examination and appraisal by Customs of imported goods;
- (c) Frontier Examining Warehouse: for the safe-keeping, examination and appraisal by Customs of goods to be cleared at a frontier port; and
- (d) Queen's Warehouse: for the safe-keeping of unclaimed, abandoned, seized or forfeited goods.

(2) Where premises are not available for use as a Queen's Warehouse, the Collector may keep imported goods temporarily on Customs premises or, at his discretion, place them in a sufferance warehouse.

6. (1) The charges for keeping imported goods carried in bond by air or rail express, in a Customs Express Branch used by express companies, are as follows:

- (a) Any consignment weighing less than fifteen pounds, regardless of the number of packages, not cleared and removed within seventy-two hours from time of first arrival ..... 25 cents per month
- (b) Any consignment weighing fifteen pounds or more, not cleared and removed within seventy-two hours from time of first arrival ..... 50 cents per 100 lbs. or fraction thereof per month

(2) No charge is made on consignments cleared and removed within seventy-two hours from time of first arrival.

(3) The seventy-two hour period shall be computed from 5:00 p.m. on the date of first arrival of the goods, exclusive of days on which the Customs Express Branch is not open for business.

(4) Goods left at a Customs Express Branch longer than thirty days are subject to Queen's Warehouse charges.

(5) The minimum charge for any consignment weighing fifteen pounds or over, held in a Customs Express Branch longer than seventy-two hours, is one dollar, and any fraction of a month is deemed to be a full month.

7. (1) The charges for keeping goods in a Frontier Examining Warehouse are as follows:

- Any consignment not cleared and removed within seventy-two hours of first arrival ..... 50 cents per 100 lbs. or fraction thereof per day

(2) No charge is made on consignments cleared and removed within seventy-two hours of first arrival.



**Customs Act—continued**

(3) The seventy-two hour period shall be computed from 5:00 p.m. on the date of first arrival at a Frontier Examining Warehouse, exclusive of days on which the warehouse is not open for business.

(4) Any portion of a day is deemed to be a full day.

(5) Goods left at a Frontier Examining Warehouse longer than thirty days, are subject to Queen's Warehouse charges.

8. (1) The charges for keeping goods in a Queen's Warehouse are as follows and shall be paid to the Collector when the goods are cleared, or collected by him when the goods are sold as unclaimed:

- (a) Automobiles, trucks and other vehicles ..... \$20.00 each per month
- (b) Wines and liquors in case lots ... 30 cents per case per month
- (c) Wines and liquors in kegs, octaves, barrels, hogsheads or other containers ..... 4 cents per gallon per month
- (d) All other goods ..... 50 cents per 100 lbs. or fraction thereof per month

(2) The minimum charge for goods kept in Queen's Warehouse is one dollar; any fraction of a month is deemed to be a full month.

CLASS II. EXCLUSIVELY FOR IMPORTED GOODS CONSIGNED TO  
OR PURCHASED BY THE WAREHOUSE KEEPER

9. An entire building or part of a building completely separated from the remainder of the building by adequate partitions or walls, may be appointed as a warehouse for safe-keeping imported goods consigned to or purchased by the warehouse keeper.

CLASS III. FOR IMPORTED GOODS IN GENERAL

10. An entire building, or part of a building completely separated from the remainder of the building by adequate partitions or walls, may be appointed as a warehouse for safe-keeping imported goods consigned to or purchased by the warehouse keeper or others.

CLASS IV. SUFFERANCE WAREHOUSES

11. Sufferance warehouses are as follows:

- (a) Those operated by Airlines or Shipping Companies

Wharfs, buildings or other suitable enclosures, operated by airlines or shipping companies, may be appointed for the safe-keeping of imported goods, before entry at Customs.

- (b) Operated by Railway Companies

Every railway company operating in Canada, which is authorized to transport goods in bond, shall provide suitable buildings and other necessary accommodation, in connection with its stations at every Customs port and place of entry, for landing, safe-keeping, transferring, delivering and forwarding in bond goods.

**Customs Act—continued**

(c) Operated by Express Companies

Every express company operating in Canada, which is authorized to transport goods in bond before delivery to the Customs Express Branch, shall provide a building satisfactory to the Department, at each Customs port of delivery, for safe-keeping of goods carried in bond by express.

(d) Other than those specified in paragraphs (a), (b) and (c)

Any person or group of persons, other than those specified in paragraphs (a), (b) and (c), may be permitted to establish a warehouse in a building satisfactory to the Department, for the safe-keeping of imported goods before entry at Customs, transported in bond by rail, water, air or highway.

CLASS V. FOR IMPORTED COAL OR COKE

12. Yards, sheds or other suitable enclosures may be appointed as warehouses for safe-keeping imported coal or coke.

CLASS VI. FOR HORSES OR SHEEP IMPORTED FOR FEEDING AND PASTURAGE

13. Farms, yards, sheds or other suitable enclosures may be appointed as warehouses for safe-keeping horses and sheep imported for feeding and pasturage.

CLASS VII. FOR ANIMALS AND ARTICLES IMPORTED FOR EXHIBITION OR COMPETITION, NOT INCLUDING HORSES FOR RACING

14. Animals and articles imported for exhibition or competition, not including horses for racing, may be entered for warehouse, for safe-keeping at a suitable location, and such animals or articles shall be entered on Form B-18 under such conditions as may be prescribed by the Minister.

CLASS VIII. FOR IMPORTED GOODS TOO HEAVY OR TOO LARGE TO BE ACCOMMODATED IN WAREHOUSES CLASS II OR III

15. Yards, sheds or other suitable enclosures may be appointed as warehouses for safe-keeping imported goods considered too large or too heavy to be accommodated in warehouses Class II or III.

*Application for Permission to Operate Warehouses of Classes II, III, V, VI and VIII*

16. (1) Application shall be made in writing by the prospective warehouse keeper or the owner or importer of the goods, as the case may be, to the Collector, on Form E-52, subject to approval of the Department, describing the location, size and construction of the proposed warehouse, and stating the purpose for which it will be used and whether the goods to be kept therein will be imported by the applicant only or by the applicant and others.

(2) Application for permission to operate a Class IV(a) warehouse shall be made by the shipping company or airline, or an authorized agent, to the Department through the Collector, on Form E-55.

(3) Application for permission to operate a Class IV(d) warehouse shall be made to the Department, through the Collector, on Form E-55.

**Customs Act—continued***Security and Conditions of Warehousing*

17. (1) Security for a Class II, III or VIII warehouse shall be the bond of an acceptable guarantee company, in Form D 10, annexed hereto, terminable on the 31st day of March next following the date of its execution, for an amount equal to the duty and taxes on the average quantity of goods placed in warehouse during the entire fiscal year, but such amount shall not be less than \$5,000.

(2) Goods entered ex-warehouse for consumption, removal or exportation shall immediately be cleared from warehouse; provided that, if warranted by the circumstances, the Collector may, on written application by the owner or importer, permit them to remain in warehouse for a reasonable period.

(3) The bond of any board, commission or other government agency authorized by law of any province of Canada to sell or permit the sale of intoxicating liquors, is acceptable, without sureties, as security for imported intoxicating liquors kept in a Class II or III warehouse.

18. (1) Security for a Class IV(a) warehouse shall be the bond of an acceptable guarantee company, in Form D10, for an amount to be determined by the Minister but such amount shall not be less than \$5,000; on approval of the bond by the Department the Collector may grant permission to the airline or shipping company, or to an authorized agent, to land goods before entry at Customs and store them on the wharf or in the building designated as a sufferance warehouse or wharf.

(2) Security for a Class IV(b) warehouse shall be a bond for an amount to be determined by the Minister, and all such sufferance warehouses shall be made secure to the satisfaction of the Collector.

(3) Security for a Class IV(c) warehouse shall be a bond for an amount to be determined by the Minister.

(4) Security for a Class IV(d) warehouse shall be a bond of an acceptable guarantee company, in Form D 10, for an amount to be determined by the Minister but such amount shall not be less than \$5,000; on approval of the bond by the Department, the Collector may permit the warehouse keeper to store imported goods before entry at Customs in the building designated as a sufferance warehouse.

(5) No bond is required in respect of a sufferance warehouse established on premises of the National Harbours Board, or on a dock or premises owned or operated by the Government of Canada.

19. Security for a Class V warehouse shall be the bond of an acceptable guarantee company in Form D 10, terminable on the 30th day of April next following the date of its execution, for an amount equal to fifty per cent of the duty on the estimated maximum quantity of coal or coke to be warehoused at any one time during the period of the bond; the bond shall provide for payment of duty on, or exportation of the whole quantity warehoused before expiration of the bond; entry shall be made weekly of the quantity of coal or coke removed for consumption or export during the preceding week; the maximum amount of the bond to be given by the importer or warehouse keeper in respect of a warehouse of this class is \$250,000.

20. (1) Security for a Class VI warehouse shall be the bond of an acceptable guarantee company, in Form D 10, in an amount not less than



**Customs Act—continued**

\$500 and not more than \$5,000; the bond shall provide for the ex-warehousing of horses within nine months of date of being warehoused, and of sheep within twelve months of being warehoused.

(2) Horses entered in a Class VI warehouse and ex-warehoused may not be re-warehoused for feeding and pasturage or entered for warehouse for exhibition until after three months have elapsed from the date of being ex-warehoused.

(3) Horses entered for warehouse for exhibition (Form B-18) may be transferred to an entry for warehouse for feeding and pasturage, with security as prescribed by subsection (1) and subject to being ex-warehoused within nine months of the date of original entry; horses warehoused for feeding and pasturage shall not be transferred to an entry for warehouse for exhibition.

(4) Horses and sheep shall not be permitted entry in a Class VI warehouse for any reason other than for feeding and pasturage and such entry shall bear the following declaration.

The animals described herein are imported for .....  
 (Feeding  
 ..... purposes only, the *bona fide*  
 or Pasturage)  
 owner being .....  
 (Name)  
 resident in .....  
 (Place)  
 Declared before me at ..... this ..... day  
 of ..... 19 ..  
 (Signature) .....  
 (Owner or Warehouse Keeper)

.....  
 Collector of Customs and Excise

*Licence Fees*

21. (1) The annual fee for a Class II, III or VIII warehouse is \$50.00 payable to the Collector on approval of the application for permission to operate the warehouse and thereafter on April 1st, to cover the period ending the 31st day of March next following; provided that an application made on or after the 1st day of October may be accepted for the remainder of the period ending the 31st day of March next following, on payment of one-half the annual fee.

(2) The annual fee for a Class V warehouse is \$50, payable to the Collector on approval of the application for permission to operate the warehouse and thereafter on May 1st, to cover the period ending the 30th day of April next following, provided that any application made on or after the 1st day of November may be accepted for the remainder of the period ending the 30th day of April next following, on payment of one-half the annual fee.

(3) The annual fee for a Class VI warehouse is \$1.00 for each horse entered for warehouse, but shall not exceed \$20.

(4) The annual fee for a Class VI warehouse is fifty cents for each sheep entered for warehouse, but shall not exceed \$10.



**Customs Act—continued***Officers' Attendance*

22. (1) The charges payable for the attendance of Customs officers at warehouses of Classes II, III and VIII are at the rates established for special Customs services, and are payable by the warehouse keeper or the owner or importer of the goods, as determined by the Collector from the attending officer's diary.

(2) The licence fee and attendance charge in respect of a Customs warehouse shall not be collected where such warehouse is located on the same premises as an Excise bonding warehouse to which sufficient Excise staff is attached or readily available to provide both Customs and Excise services.

23. Over the principal entrance to every warehouse of Classes I, II and III there shall be placed the following designation, with the warehouse's port number, in legible characters painted in oil colours not less than three inches in height:

Canadian Government

CUSTOMS

Bonded Warehouse

No. ....

*General*

24. Buildings or parts of buildings designated as Customs warehouses of Class II or III shall be so constructed and maintained as, in the judgment of the Collector, to ensure the safe-keeping of any goods placed therein.

25. No major alterations shall be made to or affecting a Customs warehouse without approval of the Department; minor alterations to or affecting a Customs warehouse shall be made only by permission of the Collector

26. Where required, office accommodation and furniture, light, heat and cleaning service for the exclusive use of Customs officers assigned to duty or attendance at a warehouse, shall be provided by the warehouse keeper.

27. In the event of fire, warehouse locks and seals may be broken by the fire department when necessary to bring the fire under control; the Collector shall be notified at once in order to safeguard bonded goods and to replace locks and seals as soon as practicable.

28. In the event of a warehouse or its contents being damaged or destroyed by fire or other casualty, or of unlawful entry or theft, the Collector shall take such action as is necessary to safeguard bonded goods and shall report the circumstances in full to the Department.

29. Warehouses of Classes I, II and III shall be secured by locks supplied by the Department; keepers of such warehouses may place their own locks on doors already secured by Customs Locks.

30. The privilege of operating a warehouse may be terminated by the Minister for cause and may be reinstated only upon application as in the first instance.

**Customs Act—continued**

31. Applications and bonds shall be submitted in triplicate to the Department through the Collector for approval.

32. Where the duty and taxes on warehoused goods exceed the amount of the bond, a new bond shall be given for a sum sufficient to cover the additional amount payable.

33. Only a board, commission, officer or other governmental agency authorized by the Importation of Intoxicating Liquors Act to import intoxicating liquors shall be permitted to enter and keep them in a warehouse Class II or III; provided that intoxicating liquors imported by a licensed distiller or brewer for blending purposes only, or imported for sacramental or medicinal purposes, or for manufacturing or commercial use and not for manufacture or use as a beverage, may be entered for warehouse under such conditions as may be prescribed by the Minister.

34. The Minister may extend the time for which wines and spirits and raw leaf tobacco may remain in warehouse, for any period not exceeding five years beyond the date they are first entered for warehouse; provided that any deficiency in excess of that provided for in section 74 of the Customs Act, found in the quantity as originally warehoused, shall be duty paid before the extension is granted.

35. The keeper of a warehouse in which imported raw leaf tobacco is kept may be permitted to enter for consumption on the 10th, 20th and last day of each month, the total quantity removed from warehouse since the last entry, and may be permitted to ex-warehouse imported raw leaf tobacco in such quantities as are required by him from time to time for manufacturing purposes.

36. When, on subtracting the quantity of goods ex-warehoused from the quantity originally warehoused, a deficiency is found in the quantity remaining in warehouse, such deficiency shall be duty-paid before further ex-warehouse entries may be accepted.

37. Where repacking of warehoused goods into a specified number of packages is authorized by the Collector, such goods shall be repacked in the warehouse in which they were entered, under supervision of a Customs officer and at the owner's expense; the number of the entry under which the goods were warehoused shall be clearly and legibly marked on each new package.

38. The warehouse keeper shall arrange goods in the warehouse in such a manner as to provide for ready identification of the goods with their relative entry number; goods bearing different entry numbers shall be arranged in separate lots to facilitate checking and ex-warehousing.

**GUARANTEE COMPANY'S SPECIAL BOND FOR CUSTOMS WAREHOUSES**

Form  
D. 10

KNOW ALL MEN BY THESE PRESENTS that we .....  
of ..... in the Province of .....  
(hereinafter called the Principal) and ..... (hereinafter  
called the Surety) are jointly and severally bound unto Our Sovereign  
Lady the Queen as represented by the Minister of National Revenue for  
Canada (hereinafter called the Obligee) in the penal sum of .....

**Customs Act—continued**

of lawful money of Canada to be paid unto the said Obligee, his successors or assigns, for which payment well and truly to be made we jointly and severally bind ourselves and our respective heirs, executors, administrators and assigns firmly by these presents.

WHEREAS the Principal has made application in writing for permission to operate a Customs Warehouse pursuant to the provisions of the Customs Act and the Customs Warehouse Regulations and is required pursuant thereto to furnish and maintain security in the sum of ..... Dollars (\$ ..... ) lawful money of Canada for the purpose of securing due performance of the obligations imposed on the said Principal by the said Customs Act and Customs Warehouse Regulations.

NOW, THE CONDITION ON THE ABOVE WRITTEN OBLIGATION IS SUCH that if the Principal shall well and truly perform and fulfil the obligations imposed by the Customs Act and regulations lawfully established thereunder then this obligation shall be void otherwise shall be and remain in full force, virtue and effect.

PROVIDED that if the Surety shall at any time give thirty days notice in writing to the Obligee of intention to terminate the obligation hereby undertaken, then this obligation and all liability of the Surety hereunder shall cease and determine so far as concerns any act or dealing on the part of the Principal subsequent to the termination of the obligation hereby undertaken, but otherwise shall remain in full force, virtue and effect in respect of any Act or dealing on the part of the Principal from the date hereof to the date of such termination. Notice of any claim hereunder shall be made upon the Surety within one year following the date of termination as herein provided.

IN WITNESS whereof the Principal and Surety have hereunto set their hands and seals this ..... day of .....  
Signed, Sealed and Delivered  
in the presence of .....

See Animals and Articles imported for Exhibition or Competition, page 847.

**34. Coasting Trade (Customs) Regulations**

*Note: A revision of these regulations then being prepared had not been completed on January 1, 1955, but was completed and came into force on February 17, 1955, and it has been considered advisable to include this revision in this Consolidation.*

P.C. 1955-222

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of the Customs Act, is pleased to order as follows:

1. The Coastwise and Foreign Shipping Regulations, established by Order in Council P.C. 1954-1916 of 8th December, 1954, are hereby revoked; and



**Customs Act—continued**

31. Applications and bonds shall be submitted in triplicate to the Department through the Collector for approval.

32. Where the duty and taxes on warehoused goods exceed the amount of the bond, a new bond shall be given for a sum sufficient to cover the additional amount payable.

33. Only a board, commission, officer or other governmental agency authorized by the Importation of Intoxicating Liquors Act to import intoxicating liquors shall be permitted to enter and keep them in a warehouse Class II or III; provided that intoxicating liquors imported by a licensed distiller or brewer for blending purposes only, or imported for sacramental or medicinal purposes, or for manufacturing or commercial use and not for manufacture or use as a beverage, may be entered for warehouse under such conditions as may be prescribed by the Minister.

34. The Minister may extend the time for which wines and spirits and raw leaf tobacco may remain in warehouse, for any period not exceeding five years beyond the date they are first entered for warehouse; provided that any deficiency in excess of that provided for in section 74 of the Customs Act, found in the quantity as originally warehoused, shall be duty paid before the extension is granted.

35. The keeper of a warehouse in which imported raw leaf tobacco is kept may be permitted to enter for consumption on the 10th, 20th and last day of each month, the total quantity removed from warehouse since the last entry, and may be permitted to ex-warehouse imported raw leaf tobacco in such quantities as are required by him from time to time for manufacturing purposes.

36. When, on subtracting the quantity of goods ex-warehoused from the quantity originally warehoused, a deficiency is found in the quantity remaining in warehouse, such deficiency shall be duty-paid before further ex-warehouse entries may be accepted.

37. Where repacking of warehoused goods into a specified number of packages is authorized by the Collector, such goods shall be repacked in the warehouse in which they were entered, under supervision of a Customs officer and at the owner's expense; the number of the entry under which the goods were warehoused shall be clearly and legibly marked on each new package.

38. The warehouse keeper shall arrange goods in the warehouse in such a manner as to provide for ready identification of the goods with their relative entry number; goods bearing different entry numbers shall be arranged in separate lots to facilitate checking and ex-warehousing.

**GUARANTEE COMPANY'S SPECIAL BOND FOR CUSTOMS WAREHOUSES**

Form

D. 10

KNOW ALL MEN BY THESE PRESENTS that we .....  
of ..... in the Province of .....  
(hereinafter called the Principal) and ..... (hereinafter  
called the Surety) are jointly and severally bound unto Our Sovereign  
Lady the Queen as represented by the Minister of National Revenue for  
Canada (hereinafter called the Obligee) in the penal sum of .....



**Customs Act—continued**

(2) A coasting licence remains in force until March 31st next ensuing, provided that such certificates as are required under the provisions of Part VII of the Canada Shipping Act are valid for that period; otherwise the coasting licence shall remain in force only during the validity of such certificates, but may be revalidated by an officer of Customs on production of new or renewed certificates.

(3) Notwithstanding the provisions of section 9, vessels maintaining regular schedules exclusively between Canadian ports and operating in conjunction with railway companies, shall operate under coasting licence, Form E.5, and shall not report to Customs on Forms A.6 and A.7 when carrying in bond goods covered by through railway waybills and manifests.

11. The owner, agent or master of a vessel whether licensed to engage in the coasting trade or not, shall, before loading in bond goods at a Canadian port for delivery at another Canadian port, make application to a Collector of Customs and Excise for permission to carry in bond goods; such application shall be accompanied by the bond of an acceptable guarantee company, in Form D-12, for an amount to be determined by the Collector, but such amount shall be not less than \$2,000 for any one vessel.

12. The owner, agent or master of every vessel licensed to engage in the coasting trade shall present or mail to the Collector of Customs and Excise at each Customs port of entry, Form S.1 in the requisite number of copies, giving the details of the voyage and cargo carried as required therein; failure to comply with this requirement will automatically cancel the licence.

13. A coasting licence may be revoked or suspended by the Minister on report from a Collector of Customs and Excise of failure of the master of a vessel to comply with the provisions of these regulations.

***Reporting Inward and Outward***

14. Every vessel, laden or in ballast, entering any port in Canada from any port or place outside of Canada, is required forthwith upon being anchored or moored, to be reported inward on Form A.6 or Form A.6 Special.

15. (1) All goods transported on a vessel arriving in Canada for landing therein from any port or place outside of Canada shall be reported in detail on Form A.6 at the first Canadian port of entry.

(2) Where the goods are to be landed at several different ports, in Canada or elsewhere, the report inward (Form A.6) shall designate the ports at which they are to be landed, and also the goods to be landed at each Canadian port.

(3) A sufficient number of copies of Form A.6 as filed at the first port shall be prepared, stamped and certified, to provide for one copy thereof being filed with the report inward at each subsequent Canadian port of call.

(4) At each Canadian port after the first port of entry those goods only that are to be landed shall be reported inward, but at each port the report inward shall be accompanied by one of the certified copies referred to in subsection (3).

(5) A report outward (Form A.7) shall be made before leaving the first Canadian port of entry and shall show in detail all goods remaining

**Customs Act—continued**

2. The annexed "Coastwise and Foreign Shipping Regulations" are hereby made and established in substitution for the regulations hereby revoked.

COASTWISE AND FOREIGN SHIPPING REGULATIONS

1. These regulations may be cited as the *Coasting Trade (Customs) Regulations*.

2. In these regulations,

- (a) "coasting trade" means the employment of vessels in the transportation of goods or passengers for gain or hire from one port or place in Canada to another port or place in Canada; and
- (b) "Minister" means the Minister of National Revenue.

3. A foreign built vessel may, without payment of duty and taxes, be registered in Canada but when so registered can engage only in international trade.

4. A British built, British registered vessel entitled to engage in the coasting trade may be transferred to Canadian registry without payment of duty and taxes except on the cost of repairs and equipment placed on such vessel in a foreign country as provided for in section 54 of the Customs Act.

5. Vessels under two hundred tons gross register are not permitted to carry intoxicating beverages for export.

*Application*

6. These regulations apply to all vessels employed in the coasting trade.

7. Except as provided for in subsection 2 of section 669 or elsewhere in the Canada Shipping Act, none but British registered vessels shall engage in the coasting trade; such vessels must either be duty and tax paid or have been constructed in the United Kingdom or other commonwealth country, but do not include vessels used for pleasure purposes, police patrol boats, dredges or other vessels used for purposes which do not involve the carrying of goods or passengers for gain or hire.

8. The master of a vessel qualified to engage in the coasting trade may or may not take out a coasting licence, but when not licensed such vessels are required to be reported inward and outward on Forms A.6 and A.7 and to obtain clearance on Form C.8 when reporting outward.

9. Except as otherwise provided, vessels licensed to engage in the coasting trade

- (a) when reporting inward from or outward to a foreign port;
- (b) when carrying in bond goods under manifest, or
- (c) when carrying Canadian or duty paid goods *via* a foreign port,

shall report inward and outward on Forms A.6 and A.7 and obtain clearance on Form C.8 when reporting outward.

10. (1) The master of any vessel engaged in the coasting trade may obtain a coasting licence, Form E.5, which shall permit him to enter and leave port without entering or clearing at Customs, except as provided for in section 9.

**Customs Act—continued**

close of each season without further report unless such vessels proceed to a foreign port, in which event inward and outward reports shall be made when arriving from and departing to such foreign ports.

21. (1) Officers commanding Canadian warships and officers commanding warships of a friendly nation operating on official missions are expected to file courtesy verbal reports when entering or leaving Canada.

(2) The masters of transports owned or chartered by the military or civil authorities of any country shall make written inward and outward reports; the description of the cargo carried by such transports will vary according to the nature of the goods, their ultimate destination, ownership and security problems; military transports of friendly nations shall be given the widest latitude in this respect and commodities carried by them may be grouped in general terms.

*Pleasure Craft*

22. (1) Pleasure craft owned or operated by non-residents that are brought into Canada for pleasure purposes,

(a) under their own power, or

(b) by trailer or other conveyance,

may be admitted for a period not exceeding six consecutive months.

(2) All pleasure craft entering Canada are required to report inward on arrival at the first port of entry; and to receive clearance at the port of departure; oral reports only are required to be made at intermediate ports between the port of entry and the port of departure.

(3) When, after having been admitted to Canada, the owner or master of a foreign pleasure craft calls at any foreign port, he shall immediately on his return to Canada report to the nearest Customs officer and declare any goods that have been acquired outside of Canada by him or by any person accompanying him.

(4) Permission for winter storage in Canada may be obtained on application to the Collector of Customs and Excise nearest to the place where the pleasure craft is to be stored.

23. The masters of privately owned vessels, operating coastwise or by inland navigation, registered or licensed in Canada and owned by Canadian residents and used by such residents for pleasure purposes only, may be permitted to submit reports inward and outward at the commencement and end of each navigation season, and be exempted from submitting such reports when entering and leaving each Customs port, as required by sections 11 and 80 of the Customs Act, subject to the condition that when such vessels depart for or arrive from foreign ports, regular reports inward and outward are made.

*Ferries*

24. Vessels operating internationally under Canadian ferry licences issued by the Department of Public Works, shall make one inward report on Form A.6 and one outward report on Form A.7 at the close of each day's operations; each report shall specify the number of trips made during the day and the total number of passengers carried, and contain a detailed description of all cargo carried.



**Customs Act—continued**

on board for landing in Canada; at each subsequent Canadian port the report outward need only specify the ports at which the remaining goods are to be landed without listing such goods.

(6) Where goods for export are taken on board at any Canadian port they shall be reported outward on Form A.7 at the port of loading and there accounted for by Export Entries (Form B.13), Intransit Entries (Form B.12½) or Export Ex-Sufferance Warehouse Entries (Form B.14); notations on inward and outward reports shall suffice to indicate such goods at all subsequent ports.

(7) Goods taken on board in Canadian ports for which there are special manifests (Form A.16) need not be listed in detail on reports inward or outward, but notations shall be made on reports inward and outward showing the names of the sending ports and the sending port numbers; goods covered by special manifest shall be carried only in vessels entitled to engage in the coasting trade.

16. (1) Where an inward report (Form A.6) contains more than one sheet, each sheet shall be numbered consecutively; the total number of sheets shall be indicated on sheet No. 1 and the total number shall be so placed that it will not be confused with the serial number of the report; the first and last sheets of each inward report shall be declared and signed in the spaces provided therefor.

(2) Reports inward by vessels arriving in Canada from abroad shall be entered in the Register of Manifests Received and shall bear the serial numbers taken from that Register; items on these reports shall be cancelled by entry, by re-manifest or by unclaimed list numbers, and for goods not landed by outward report numbers.

17. (1) No vessel of foreign registry may take on board at any Canadian port goods or passengers for discharge or landing at any other Canadian port; such vessels may carry goods and passengers from a foreign port to one or more Canadian ports and from one or more Canadian ports to ports out of Canada; vessels of foreign registry may sail in ballast between Canadian ports on clearances (Form C.8) issued from port to port.

(2) Outward reports (Form A.7) "In Ballast" and subsequent inward reports (Form A.6) "In Ballast" shall be numbered and treated as coastwise reports for statistical purposes; where goods for export are taken on board at a Canadian port and the vessel calls at other Canadian ports before its departure from Canada the report outward (Form A.7) shall be treated as a foreign report outward and the clearance (Form C.8) shall specify the foreign destination as well as the next Canadian port of call.

18. A vessel in possession of a coasting licence (Form E.5) and carrying goods from a foreign port to one or more Canadian ports, is deemed to have completed its foreign voyage when all the goods taken on board at a foreign port have been landed.

19. Vessels employed by the Government of Canada when commanded by officers appointed by the Government of Canada are not required to report inward or outward except when proceeding on a foreign voyage or when taking ships' stores pursuant to the Regulations governing Ships' Stores.

20. Vessels owned by the government of any province of Canada shall report outward at the beginning of each season and report inward at the



**Customs Act—continued***Vessel Clearing Stations*

31. The Minister may from time to time appoint such vessel clearing stations as he may deem necessary for the loading of goods for export.

32. No goods arriving at a vessel clearing station by vessel shall be discharged at such station unless they have been duty and tax paid at a Customs port of entry.

33. (1) The master of every vessel arriving at a vessel clearing station shall forthwith upon being anchored or moored, report inward on Form A.6 or A.6 Special.

(2) The master of every vessel departing from a vessel clearing station shall report outward on Form A.7 or Form A.7 Special and obtain clearance on Form C.8.

(3) Where goods for export are taken on board at a vessel clearing station they shall be reported outward on Form A.7 and accounted for by Export Entries (Form B.13).

34. The master of every vessel reporting inward or outward at a vessel clearing station shall pay to the Customs officer in charge at the station a special service charge of \$2.50 when the report is made before 8 a.m. or after 6 p.m. daily, except Sunday when the charge shall be \$5.00 for each report inward and each report outward.

35. When the reports inward and outward are made within a period of two consecutive hours the special service charge shall not exceed \$2.50 daily, except Sunday when the charge shall be \$5.00.

36. All special service charges collected by the officer in charge of a vessel clearing station shall be accounted for in the K.21 Receipt Book; one copy of the receipt shall be given to the master or agent of the vessel, a second copy forwarded to the Collector of the Chief Port with the charges collected, and the third copy retained on file at the vessel clearing station.

37. The Customs officer in charge at a vessel clearing station shall be reimbursed by the Department of National Revenue, Customs and Excise Divisions, at the rate of \$2.50 for each vessel entered and \$2.50 for each vessel cleared on weekdays, and at the rate of \$5.00 for each vessel entered and \$5.00 for each vessel cleared on Sundays, provided that when a vessel is entered and cleared within a period of two consecutive hours the officer shall be reimbursed at the rate of \$2.50 for each vessel so entered and cleared on weekdays and \$5.00 for each vessel so entered and cleared on Sundays.

**35. Regulations respecting travellers' samples****D. 15**

The following regulations are established in respect of imported Commercial Travellers' Samples:—

1. Imported samples (not Canadian produce or manufacture) such as are carried by commercial travellers intended solely for use in taking orders for similar merchandise and not for sale, together with the trunks and other packages containing them (except when of "no commercial value") are subject to ordinary duty and taxes at each time of importation, but not to

**Customs Act—continued**

25. Railway car ferries operating internationally may report inward on Form A.1 and report outward on Form A.5 instead of on Forms A.6 and A.7, when the goods carried in each car are reported on separate manifests.

*In Transit Goods Carried Coastwise via a Foreign Port*

26. (1) Except as otherwise ordered, goods in transit by water or by land and water or by water and land from one port in Canada to another port in Canada *via* a foreign port, shall be transported by water only in vessels entitled to engage in the coasting trade.

(2) When the goods are Canadian or duty paid and are not landed or transhipped at a foreign port, they shall not on their return to Canada be entered at Customs provided that the full cargo is reported inward on Form A.6 and is supported by a copy of the outward report Form A.7, presented at the Canadian port of lading.

(3) When such goods are to be transferred to another carrier at a foreign port for continuation of the journey to a Canadian port, Customs manifests covering the goods shall be prepared by the carrier and presented at the Canadian port of lading; when the goods are of a class or kind that cannot be readily identified at the Canadian port of re-entry the transfer shall be made in the presence of a Canadian Customs officer who shall certify on the manifest that the transfer was made under his supervision.

*Canadian Fishing Vessels*

27. Vessels registered or licensed under the provisions of the Canada Shipping Act engaged in the fisheries of Canada shall report outward on Form A.7 and obtain clearance at the commencement of the fishing season, and will not be required to make any further report inward or outward until the close of the fishing season when reports inward on Form A.6 shall be filed with Customs; provided that when any fishing vessel has been supplied with in bond ships' stores, a report outward on Form A.7 and a report inward on Form A.6 is required each time the vessel leaves and enters port.

28. Seasonal clearances granted fishing vessels are valid at all ports in Canadian waters adjacent to the port at which clearance was issued; should the operating base of a vessel be changed, the master shall present his seasonal clearance to the nearest Collector of Customs and Excise for endorsement.

29. Fishing vessels employed in the transportation of goods or passengers from one port or place in Canada to another port or place in Canada, or departing for or arriving from a foreign port, shall report inward and outward; the seasonal fishing clearance may be retained by the master pending his return to the fisheries unless he has decided to abandon the fisheries for the season, in which case the clearance shall be surrendered to Customs.

30. Vessels engaged in the coasting trade may transport fish from the fishing grounds to shore plants without reporting to Customs, provided that such vessels do not put into a foreign port during the course of the voyage.

**Customs Act—continued**

6. The deposit received with the temporary entry of samples shall be dealt with by the Collector in the same manner as Tourists' deposits, without, however, completion of Form E-29. Such temporary entries shall be numbered and filed in consecutive order.

7. If all of the samples are not exported a deduction shall be made from the deposit equivalent to the duty and taxes payable on the samples not exported, which amount shall be taken to account as duty and taxes in the ordinary course, and the balance of the deposit may be refunded upon the exportation of the identified samples which are exported under Customs supervision as provided herein.

8. In the case of travellers' samples, Customs Officers may allow British Preferential or most favoured nation rates, as the case may be, upon the declaration of the traveller as to the origin of the samples.

9. The privileges provided for in sections 4 to 8, inclusive, of these regulations do not extend to articles which owing to their nature could not be identified upon exportation.

10. Samples admitted to temporary entry on deposit under the special regulations respecting samples from British and Most Favoured Nation Countries may be taken to the United States by the traveller and returned to Canada merely upon report at Customs at any time within twelve months from the date of the temporary entry. On their return the samples may be admitted without entry if, upon being checked by a Customs Officer against the copy of the temporary entry and invoice in possession of the traveller, the officer is satisfied that the samples are those referred to in such temporary entry.

H. D. SCULLY,

*Commissioner of Customs*

October 16, 1935.

**36. Departmental Regulations—Temporary Admission of Articles for Special Use**

D. 23

1. (a) The Department has authorized the use of Temporary Admission Report Form E-29, under which certain specified articles may be permitted entry without payment of duty and taxes. Provision is made on the Form for a computation of the amount of duty and taxes properly payable, and a cash deposit of an amount equal to that sum is to be supplied, unless otherwise stipulated. The Form E-29 must be surrendered by the holder and exportation must be made within six months from the date of entry (unless otherwise provided for), and any cash deposit which may have been furnished will then be subject to refund, otherwise it will be taken to account as duty and taxes. The goods must be identified by a Customs Officer prior to exportation.

(b) Although the furnishing of a deposit may be required by the regulations, any Collector of Customs may, in his discretion, waive its collection if the imported articles entered under Form E-29, are to be used within the limits of his own port, under such precautions or provisions as he may consider necessary to secure the due exportation thereof immediately after such use.



**Customs Act—continued**

special duty in addition thereto; provided, however, that the trunks in which samples are contained may be admitted free after payment of duty and taxes on first importation, if identified to the satisfaction of the Customs Officer.

2. Commercial travellers are required to deliver to the Customs Officer for entry purposes a properly certified invoice or a statement in detail, showing the price (wholesale) of each sample as sold for home consumption. If a statement be furnished in lieu of a properly certified invoice, it shall be attested to by the traveller. The quantities of such samples as shown on the invoice or statement shall be duly checked by the Customs Officer and proper duty and taxes paid thereon before delivery.

3. Cards, portfolios, pasteboard boxes or other coverings containing cut samples of cloth, edgings, textile fabrics, buttons of various patterns, and other articles obviously for use only as samples to sell by and having no commercial value, may be admitted free of duty and taxes; the term "no commercial value" does not, however, apply to portfolios, boxes or other coverings used in displaying samples, when susceptible to other use or having a saleable value.

**SPECIAL REGULATIONS RESPECTING SAMPLES FROM BRITISH COUNTRIES AND FROM MOST FAVOURED NATION COUNTRIES**

4. When such commercial travellers' samples are imported temporarily direct by non-residents of Canada from any British country or from any country entitled to most favoured nation treatment in tariff matters by Canada, they may be admitted upon deposit of a sum equivalent to the duty and taxes thereon, such deposit to be subject to refund on the exportation of the samples under Customs supervision within twelve months from the date of Customs entry. Trunks containing such samples, when not marked in evidence of duty and taxes having previously been paid thereon in Canada, may be listed and valued along with the samples contained therein for purposes of deposit and subsequent refund, or may be delivered on payment of duty and taxes and may then be marked to ensure future importation without payment of further duty. A temporary entry of such samples with properly certified invoices (or statements as provided for in section 2 hereof) annexed thereto, shall be presented to the Collector of Customs and Excise at the port of entry. The importer shall make and subscribe to a declaration on the face of the temporary entry that the goods described therein are *bona fide* samples for use only in taking orders for merchandise and are to be exported within twelve months.

5. When the samples are marked by a Customs Officer for identification and the temporary entry duly completed, the Collector may issue his permission for the release of the samples upon receiving the required deposit from the importer, such permission to have a notation thereon that the money deposited with the temporary entry of samples is subject to refund under the provisions of these regulations, and an extra copy of the temporary entry and of the Collector's permission shall be delivered to the importer along with a copy of the invoice, so that the same may be presented to the Customs Officer at the port of exit when samples are exported.



**Customs Act—continued**

<i>Description</i>	<i>Condition of Entry</i>
(b) Canadian theatrical companies or individual Canadian actors performing in such companies, on rental or to be exported after temporary use in Canada, and used costumes brought in by promoters, actor managers or directors entering Canada with one or more costumes for use in the presentation of amateur or other performances for charitable or other institutions, and to be exported after such temporary use:	Subject to ordinary provisions of Customs Tariff, provided that \$2 per costume be the minimum amount of duty and taxes to which such costumes should be liable.

10. Stage Properties: Theatrical scenery and stage properties (including trained animals), owned or leased and imported by foreign producing companies or by proprietors of foreign vaudeville acts, to be used in Canada by regular performers thereof and not by any other person, or for sale or rental in Canada.

E-29, with security  
(see Para. 1.)

H. D. SCULLY,  
*Commissioner of Customs.*

April 11, 1942.

### 37. Trucking by highway transport

D. 132

A certificate of short-landing on Form C.17 respecting importations by highway transport short on reaching the frontier of Canada may be given under the following conditions:

1. The shortage shall be brought to the attention of the examining officer at the time of importation.

2. The transportation company shall certify that investigation has been made and all efforts to trace the missing package has been unsuccessful.

3. The transportation company shall certify it is paying the importer's claim for loss of the goods or is arranging for payment of the loss.

**Customs Act—continued**

<i>Description</i>	<i>Condition of Entry</i>
2. Musical instruments for use in public and other concerts, the property of, or to be used by,—	
(a) Individual non-resident concert artists:	E-29, without security (see <i>Para. 1.</i> )
(b) Non-resident members of bands, orchestras or other groups of musicians:	E-29, with security (see <i>Para. 1 (b).</i> )
3. Musical instruments imported as part of tourists' outfits:	E-29, without security (see <i>Memo D No. 12.</i> )
4. Motion and Still Picture projection apparatus and slides and films therefor, the property of non-residents, for use in gratuitous exhibitions for non-commercial purposes:	
5. Still picture cameras, including a reasonable supply of dry plates or raw film therefor, the property of and imported by non-residents, for commercial use, conditional on exportation of the camera and all of the imported plates or film, exposed or not exposed, together with all prints made therefrom, within thirty days:	E-29, without security (see <i>Para. 1.</i> )
6. Motion picture cameras and film for commercial use:	E-29, with security (see <i>Para. 1.</i> )
7. Motion and still picture cameras and film imported as part of tourists' outfits:	Subject to ordinary provisions of Customs Tariff.
8. Lecture Material: Charts, maps, cut-away parts and other miscellaneous material such as may be used by non-residents for the purpose of illustrating lectures to be delivered by them before Scientific or other Societies for educational and non-commercial purposes:	E-29, without security (see <i>Memo. D No. 12.</i> )
(a) Individual non-residents for their own use or by the proprietors of non-resident producing companies for use by the regular members of the importing company and not for that of any other person or for sale:	E-29, without security (see <i>Para. 1.</i> )
	Free as "Travellers' Baggage".

**Customs Act—continued**

- (b) a record whereby a check may readily be made of goods diverted from such specific use against subsequent payments at the full duty rate and/or of sales tax on account of such diversions.

4. The foregoing records are required to be retained and preserved by the importer for a period of six years succeeding the importation of the goods to which they relate.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, July 15, 1952.

**39. Permits for Vessels for Pleasure Purposes**

Series D, No. 30  
Third Revision

Vessels owned by non-residents brought to Canada for purposes of health or pleasure only, under their own power and not by other means of transport, may be admitted under the provisions of Form C-13 for the period of their stay, but not exceeding six months.

Such vessels are required to report inwards on arrival at the first Canadian port of entry, and to report outwards and receive clearance at the port of departure, when Form C-13 is to be surrendered. Reports at intermediate ports of call are also required, but these may be of a verbal nature and do not require documentation.

Winter storage in Canada is permissible upon application to the Collector of Customs nearest to the point where storage is actually to take place. If the Collector is satisfied as to the *bona fides* of the application, he will cancel the current C-13 permit or return it for cancellation to the original port and issue a new permit effective until the arrival of the owner for the subsequent season. The Collector shall make such occasional supervision as may be necessary over the premises where the vessel is stored, so as to ensure that it is actually in such storage and is not being operated contrary to law.

Particular attention is drawn to the fact that the above regulations apply only to vessels brought to Canada under their own power. Vessels imported by trailer or by other means of conveyance and entered under Form E-29 must be exported at the end of each season.

September 10, 1952.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**Customs Act—continued**

4. The number of pieces billed at foreign point of origin shall be given.
5. Copy of original waybill shall be produced to the Collector.
6. Applications for refund shall not be accepted until six months from date of shipment unless proof is produced that the missing package was destroyed before reaching the frontier of Canada.
7. The certificate of short-landing shall not be given for less than one package.

P. L. YOUNG,  
*Assistant Deputy Minister of National Revenue  
for Customs*

October 15, 1946.

**38. Records of goods imported for resale**

Series D. No. 93  
(1st Revision)

1. The following records or such thereof as may be prescribed by the Minister are to be retained and preserved for a period of six years by every person importing into Canada goods for resale,—

2. All records and books relating to the purchase, importation, cost, value, payment for and subsequent disposal of all imported goods, whether on consignment or sold to the importer prior to shipment, including:

- (a) copies of all entries;
- (b) copies of all statements as presented at Customs, and of the relative trade and commercial invoices;
- (c) copies of all statements, bills and accounts;
- (d) ledgers, day-books, cash-books, invoice-books and all other books of account necessary to show the payments made and the monies received for the goods imported;
- (e) copies of all orders, contracts and correspondence relating to the purchase of the goods by the importer;
- (f) copies of all orders, contracts, invoices and correspondence relating to the sale or disposal of the goods by the importer;
- (g) copies of records necessary to substantiate all charges which are included in or are additional to the purchase price of the goods themselves, whether or not such charges are included in the value for duty;
- (h) record of selling expenses incurred in the disposal of the goods in Canada;
- (i) bank drafts, cancelled cheques, bills of exchange, letters of credit or other instruments or documents showing the actual settlement made for the goods.

3. In the case of goods imported free of duty or at a lower rate of duty than to which they would otherwise be liable and/or free of sales tax as being intended for a specific use, the following additional records shall be retained:

- (a) certificates signed by the user, showing his full name, address, occupation and factual use of the article.



**Customs Act—continued**

(3) Two weeks after the notice has been posted the collector shall submit to the Secretary of the Committee the application with any representations received, and shall sign the certificate of rectitude unless he has reason to believe that the applicant is not of good character, in which case he shall submit an explanatory letter with the application.

(4) Notice of the application shall be published forthwith in the *Canada Gazette*.

(5) Every application, with the recommendations of the Committee, shall be submitted to the Minister and when approved by him, the collector shall be authorized following compliance with the provisions of sections 10 and 11, to issue a licence.

(6) The collector shall notify the Secretary of the Committee of the issuance of the licence.

5. (1) Application for renewal of licence shall be made, in duplicate, to the collector for the following fiscal year not later than February 15.

(2) When the provisions of sections 10 and 11 have been complied with and the certificate of rectitude signed, the collector may, subject to the provisions of subsection (4), issue a renewal.

(3) The collector shall forward the application and a copy of the renewal to the Secretary of the Committee.

(4) Where there has been a change in the name of the firm in which the licence is held, or in the partners in a co-partnership, or in the directors in the case of a corporation, the application for renewal shall be forwarded by the collector to the Secretary of the Committee.

6. (1) Licences shall be valid for the transaction of business within the survey of the port or outport where issued and shall remain in force for the fiscal year or part of the fiscal year for which fees are paid, unless a broker ceases to conduct business, dies or his licence is suspended or cancelled.

(2) On the death of a broker, the executor or administrator of his estate may apply to the collector for permission to carry on the business and the collector shall grant such permission provisionally and refer the application to the Secretary for consideration by the Committee.

(3) Licences expire on March 31 of each year.

(4) Licences are not transferable.

7. Every applicant, including each partner or member of a firm and the majority of the directors of a corporation, shall satisfy the Minister that he

(a) is a British subject resident in Canada;

(b) is twenty-one years of age;

(c) is of good character;

(d) is sufficiently well educated to perform the duties of a broker;

(e) is in a financial position to protect the interest of the Crown and of his clients;

(f) will undertake to establish and maintain a suitable business office;

(g) has not been an officer in the Customs and Excise Divisions of the Department within two years of the date of application, and is not the son, brother, father, uncle, nephew or other near relative of a member of the Customs and Excise staff, provided that the Minister may consent to the acceptance of such an application.

**Customs Act—continued**

**40. Custom-House Brokers Licensing Regulations**

The following regulations were made by the Minister of National Revenue on March 1, 1954, pursuant to subsection (5) of section 116 of the Customs Act. They supersede the regulations dated January 16, 1950, as amended, and are effective April 1, 1954.

D. SIM,  
*Deputy Minister of National Revenue*  
*Customs and Excise*

March 1, 1954.

Series D No 35  
(5th Revision)

REGULATIONS RESPECTING THE LICENSING OF CUSTOM-HOUSE BROKERS

1. These regulations may be cited as the *Custom-House Brokers Licensing Regulations*.

2. In these regulations,

- (a) "broker" means a Custom-house broker licensed pursuant to the Customs Act and these regulations;
- (b) "Committee" means the Committee appointed under these regulations;
- (c) "Department" means the Department of National Revenue;
- (d) "Deputy Minister" means the Deputy Minister of National Revenue (Customs and Excise); and
- (e) "Minister" means the Minister of National Revenue.

3. (1) A Committee is hereby established to advise the Minister in respect of the issuance, suspension and revocation of licences or any other matters affecting the licence of a broker.

(2) The Committee shall consist of:

The Deputy Minister,  
the Assistant Deputy Minister,  
the Director of Customs-Excise Inspection,  
a representative of the Dominion Chartered Custom-House  
Brokers Association and a senior officer of the Department who  
shall also be the Secretary of the Committee.

4. (1) Application for a licence shall be made, in duplicate, to the collector at the port where the business is to be conducted and shall contain the full name and address of the applicant which, in the case of a firm shall be the name and address of each partner or member thereof, and in the case of a corporation, the name and address of each of the directors.

(2) The collector shall post a notice of the receipt of such application in the Custom-House showing the full name and address of the applicant, including in the case of a firm the name and address of each partner or member thereof, and in the case of a corporation the name and address of each of the directors.

**Customs Act—continued**

made by him, and copies of all correspondence, bills, accounts, statements, and other papers relating to his Customs and Excise business; and he shall retain and preserve all such records for a period of six calendar years.

(2) The records specified in subsection (1) shall be available for examination at any time by any Customs-Excise officer designated by the Deputy Minister, and no broker shall refuse access to, conceal, remove or destroy the whole or any part of any such records.

(3) Brokers shall furnish to their clients, as voucher, a copy of each entry passed on their behalf, duly stamped with the official Duty Paid stamp, and, in the case of small collection entries, either a copy of the invoice, a copy of the Appraisal Note Form E. 46, or a copy of a list of parcels cleared at the same time, duly stamped as aforesaid.

(4) Every broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any Customs business.

(5) Every broker shall pay over to the Department when due all sums received for the payment of any duty, tax or other obligation owing to the Crown, and shall promptly account to clients for funds received for them from the Department, or received from a client in excess of the charges properly payable in respect of the client's business.

(6) Every broker who knows that a client has not complied with the law or has made an error in or omission from any document which the law requires such client to execute, shall advise his client promptly of the fact of such non-compliance with the law, and if any such client then fails to comply with the law the facts shall be reported to the collector by the broker.

13. The Minister may suspend or cancel the licence of any broker; causes for suspension, revocation or cancellation of a licence include but are not limited to:

- (a) failure to fulfil the duties and obligations of a broker in section 12;
- (b) fraud or intent to defraud the Crown or a client;
- (c) conviction of an indictable offence;
- (d) suggesting an illegal plan for avoiding payment of Customs duties, Excise taxes or other debts due the Crown, knowing such plan to be illegal;
- (e) withholding from a client information relative to the Customs business of such client;
- (f) neglecting to file promptly with the collector entries, claims or other Customs or Excise documents, forms or papers, and to answer correspondence, resulting in a loss to a client;
- (g) preparing, filing, procuring or assisting in the preparation or filing of any claim, return, statement or other document, known to be false;
- (h) using with intent to deceive false or misleading representations to procure employment in any proceedings or business before the Department or Tariff Board;
- (i) giving, with intent to deceive, false or misleading information relative to any matter before the Department or Tariff Board, or giving false information in an application for licence, knowing it to be false;



**Customs Act—continued**

8. (1) An examination may be required to test the qualifications of any applicant, including each partner or member of a firm or director of a corporation as to his knowledge of the laws and regulations relating to Customs matters and procedure in transacting business at Customs.

(2) Examinations of applicants shall be conducted during the months of January, April, July and October, unless otherwise directed by the Minister.

(3) The examination shall be prepared by the Committee and forwarded to a Customs-Excise Inspector who shall conduct the examination and place his report in a sealed envelope marked "Examination Papers" which he shall forward to the Director of Customs-Excise Inspection for transmittal to the Committee.

(4) The Committee may direct a further investigation in any case in which it is deemed necessary.

(5) Where, as the result of an examination, the Committee is satisfied that an applicant has sufficient knowledge of Customs laws and procedure, it may recommend to the Minister that a licence be issued to him.

(6) The results of the examination shall be communicated to the collector who shall notify the applicant thereof.

9. The following forms are approved:

Application for licence .....	Form L53.
Application for renewal of licence .....	Form L54.
Licence for individual broker .....	Form M50.
Licence for joint stock company or incorporated association .....	Form M51.
Licence for partnership or unincorporated association .....	Form M52.
Renewal of licence .....	Form M53.

10 (1) The following licence fees shall be paid to the collector before a licence is issued or renewed; provided that on and after the first day of October the licence may be granted for the remainder of the fiscal year upon payment of one-half only of the amount of the fee:

Grades 10, 9, 8 and 7 Ports .....	\$100
Grades 6 and 5 Ports .....	50
Grades 4, 3, 2 and 1 Ports .....	25
Outports .....	20

(2) All fees shall be deposited immediately to the credit of the Receiver General as sundry collections.

11. Before a licence is issued the bond of an approved guarantee company shall be posted in a principal sum of \$5,000, or in the alternative Government of Canada bonds in the amount of \$5,000, securing the Department and the broker's clients against loss, the bond to be valid until the thirty-first day of March next following the date of issuance; provided that where a licence is issued to a broker who holds a licence for the conduct of business at another port or outport, a combined bond shall be furnished in the sum of \$5,000 for the first licence plus \$2,000 for each additional licence.

12. (1) Every broker shall keep adequate records of all his financial transactions as a broker, and shall also keep on file a record of every entry



**Customs Act—continued****41. Drawback of Customs Duty in Respect of Joint Canada-United States Projects**

Series D No. 17,  
DB-21  
(1st Revision)

The following regulations have been established governing drawback of 100 per cent of the customs duty paid on imported goods used or directly consumed in, wrought into or attached to any articles or goods manufactured in Canada and sold to the Government of the United States or purchased in Canada by the Canadian Commercial Corporation for or on behalf of the Government of the United States; provided that the funds expended for such articles or goods are the funds of the Government of the United States and are intended for joint Canada-United States projects in Canada and are to become and remain the property of the Government of the United States, effective in respect of articles or goods so supplied on and after April 1, 1947, and until further ordered:

1. The whole of the drawback shall be paid to the importer, the manufacturer or producer, or the supplier of such articles or goods.

2. The quantities of imported goods used and the amount of customs duty paid thereon shall be ascertained to the satisfaction of the Minister.

3. Claims for drawback submitted on and after April 1, 1947, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto and shall not be paid unless the customs duty involved has been paid on the goods within three years of the date of filing the claim (excepting that in the case of goods supplied between April 1, 1947, and July 15, 1948, a reasonable extension of time may be allowed), nor unless the claims as presented at any one time aggregate ten dollars or over.

4. Claims for drawback shall be made under Oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

5. (1) Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products, the drawback otherwise payable in respect of such imported goods shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of the goods manufactured or produced, excepting that drawback claims filed in respect of bituminous coal converted into coke shall be paid in respect of the full quantity of coal processed and represented in the coke covered by the drawback claim without deduction for merchantable by-products or waste.

**Customs Act—continued**

- (j) imparting to a client false information relating to the progress of any matter or proceeding before the Department or the Tariff Board, knowing it to be false;
- (k) charging an exorbitant fee, retaining a fee for which no services are rendered or charging more for disbursements than the amount disbursed;
- (l) obtaining or attempting to obtain from the Crown, a client or other person, money, securities or other valuable consideration by false representations, knowing the same to be false, or by duress or undue influence;
- (m) concealing, removing or destroying financial or business records or refusing to allow the designated Customs or Excise officer to inspect them;
- (n) employing in the capacity of customs entry clerk with power of attorney, by delegation or otherwise
  - (i) any person whose application has been refused on the ground that he is not of good character or any person whose lack of good character has been the cause of the refusal of a licence to a firm or corporation;
  - (ii) any person whose licence has been revoked or whose conduct as a partner, director, officer or servant has been the cause of the revocation of a licence; and
  - (iii) any broker whose licence is suspended, or during the period of suspension any person whose conduct as a partner, director, officer or servant has been the cause of suspension.
- (o) employing in any capacity, except with the consent of the Minister, any person described in paragraph (n) or permitting any such person to share or participate in any fees or emoluments or to engage in any way in the prosecution, control or direction of a brokerage business;
- (p) bankruptcy;
- (q) representing that he is able to obtain favours or concessions from the Department or any officer in the Civil Service, or to have access to unusual sources of information within the Department;
- (r) attempting to influence the conduct of any civil servant by use of a threat, accusation, duress or the offer of any special inducement, or by the bestowal of a gift or fee;
- (s) lending money to any officer or employee in the service of the Customs and Excise Divisions, or becoming surety for the repayment of money borrowed by any such officer or employee;
- (t) employing in any capacity, except with the consent of the Minister, any person who is or has been an officer of the Customs and Excise Divisions of the Department until after the lapse of two years from the date of the termination of such government service, or during the period of an officer's government service or the said two year period following, consulting or accepting assistance from, or sharing fees with any officer or former officer of the Department.

Customs Act—*continued***42. Regulations relating to the Entry Outward of Wines and Spirituous Liquors to be exported from a Customs Warehouse**Series D No. 65  
(1st Revision)

1. Printed herewith is the form of bond as approved.
2. The time to be specified in the obligation of the bond for furnishing proof as required shall in any case not exceed the time usually necessary for the completion of the voyage or journey by the conveyance adopted (allowing a reasonable time for detention within the discretion of the Collector) and for returning the vouchers by the next mail; and in no case shall the period allowed for furnishing such proof and for cancellation of the export bond exceed six months unless special authority has been granted by the Department.
3. If, within the period appointed in such bond, there is produced to the Collector or other proper officer the written certificate of some principal officer of Customs or of Colonial revenue at the place to which the goods were exported, or, if such place is in a foreign country, of any proper officer of Customs therein, or of any British or foreign Consul or Vice-Consul resident there, showing that the goods named in the said bond were actually landed and left at some place, naming it, out of Canada as provided for in the said bond, or, if within the said period appointed, it is proved to the satisfaction of the Collector or other proper officer that the said goods were, after leaving Canada, lost and destroyed, the said bond may be cancelled.
4. (1) No certificate of the landing at any place in the Islands of St. Pierre and Miquelon of wines and spirituous liquors exported from Canada shall be regarded as genuine or be acted upon in the cancellation of any bond or for any purpose of customs or excise, unless the same bears thereon the visa and seal of the Governor of the Islands.
- (2) The regulations respecting entry ex-warehouse for exportation of goods subject to duties of excise section 27 of Circular No. 327C (Excise) are affected accordingly.

5. Such certificate shall be in the form prescribed on the Form of Entry for Export Ex-warehouse (B.9) as follows:

"I ....., do hereby certify that the same identical goods described and contained in the within Export Entry, have been landed at the Port of ..... in ..... and have been duly delivered over the Customs.

WITNESS under my Hand and Seal of Office this ..... day of ..... 195 ."

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, 16th June, 1954.



**Customs Act—continued**

(2) Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, drawback otherwise payable shall be reduced by a sum, representing customs and excise duties and/or taxes, to be arrived at by applying to the Canadian sales value of the merchantable scrap or waste, the prevailing rates of duties and/or taxes, if any, on the merchantable scrap or waste of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable scrap or waste are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable scrap or waste, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used.

6. The following documents shall be delivered with the claim for drawback:

- (a) A copy of the import entry showing the payment of customs duty on the goods in respect of which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;
- (b) A certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;
- (c) A signed statement of the supplier and/or the manufacturer, waiving rights to the drawback when the claimant entitled to drawback is not the supplier of the articles or goods; and
- (d) A certified true copy of the supplier's invoice for the articles or goods supplied, whereon there shall also be appended a certificate signed, including official title, by a responsible officer of the purchasing organization, to the effect that the enumerated articles or goods have been duly received and are being paid for out of funds belonging to the Government of the United States for joint Canada-United States projects in Canada and are intended to remain the property of the Government of the United States. In the case of volume, a list of sales invoices, including the specified certificate, will suffice.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, June 16, 1954.



**Customs Act—continued**

(9) President or other officer having authority.      SEALED AND DELIVERED AND COUNTERSIGNED by (9)      of the  
 Guarantee Company.

IN THE PRESENCE OF

(10) Signature of Witness to Execution by officer.

(11) Signature of proper officer of the Company opposite the Company's Seal.

(11)

**43. Wines and Liquors not landed but reported outward by sea**

Series D No. 66

(1st Revision)

REGULATIONS RELATING TO WINES, SPIRITUOUS AND FERMENTED  
 MALT LIQUORS NOT LANDED IN CANADA BUT REPORTED OUTWARD  
 AT CUSTOMS BY SEA AS CARGO AND OTHER THAN SHIP'S STORES

1. Printed herewith is the form of bond as approved.

2. The time to be specified in the obligation of the bond for furnishing proof as required shall in any case not exceed the time usually necessary for the completion of the voyage indicated (allowing a reasonable time for detention within the discretion of the Collector) and for returning the vouchers by the next mail; and in no case shall the period allowed for furnishing such proof and for cancellation of the export bond exceed six months unless special authority has been granted by the Department.

3. If, within the period appointed in such bond, there is produced to the Collector or other proper officer the written certificate of some principal officer of Customs or of Colonial revenue at the place to which the goods were exported, or, if such place is in a foreign country, of any proper officer of Customs therein, or of any British or foreign Consul or Vice-Consul resident there, showing that the goods named in the said bond were actually exported to the place, naming it, out of Canada, as provided for in the said bond, or, if within the said period appointed, it is proved to the satisfaction of the Collector or other proper officer that the said goods were, after leaving Canada, lost and destroyed, the said bond may be cancelled.

**Customs Act—continued**

FORM OF BOND, approved by the Minister of National Revenue to be given on Export of Wines and Spirituous Liquors from a Customs Warehouse. (Customs Act, sections 85 and 86)

KNOW ALL MEN BY THESE PRESENTS, that we (1) hereinafter called "The Guarantee Company", are held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors in the sum of (2) dollars, currency money of Canada, to be paid to her said Majesty the Queen, her heirs and successors, and for which payment well and truly to be made we bind ourselves and our successors and assigns firmly by these presents.

Sealed with our seal and dated this day of , 195 .

(1) Name of approved Guarantee Company.

(2) Double amount of duties of importation on the goods to be set down in words and not in figures.

WHEREAS (3) passed an entry, No. (4), to export to (5) (6) whereof is Master. (7) and which goods are now deposited in (8) at , in the Port of , under the provisions of the Customs Act and Regulations thereunder.

hath (3) Name of person making export entry. (4) Port number of entry. (5) Place of destination. (6) Vessel and Master's name or railroad. (7) Here designate the marks, number and contents of packages. (8) Here designate bonded warehouse No. —, Queen's Warehouse or Suffrance warehouse, as case may be.

AND WHEREAS the Guarantee Company has agreed to guarantee that the said goods shall be duly exported, landed and delivered as required by the Customs Act and Regulations thereunder.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION is such that if the said goods shall, when the entry aforesaid is for exportation by sea, be actually exported to the place provided for in said entry, and when the entry aforesaid is for exportation by land or inland navigation, shall be landed and delivered at the place for which they are entered outwards, unless in either case the said goods are after leaving Canada lost and destroyed, and if such proof or certificate that such goods have been so exported, landed or delivered, or lost and destroyed, as the case may be, as required by regulations of the Minister of National Revenue, be produced to the Collector or other proper officer of Customs and Excise at the port of , within days from the date hereof, then this obligation shall be void; but otherwise shall be and remain in full force and virtue.

IN WITNESS WHEREOF the Guarantee Company has hereunto affixed its Corporate Seal.

**Customs Act—concluded**

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION is such that if the said goods shall be actually exported to the place provided for in the said Report Outward, unless the said goods are after leaving Canada lost and destroyed, and if such proof or certificate that such goods have been so exported or lost and destroyed, as the case may be, as required by regulations of the Minister of National Revenue, be produced to the Collector or other proper officer of Customs at the Port of

within \_\_\_\_\_ days from the date hereof, then this obligation shall be void; but otherwise shall be and remain in full force and virtue.

IN WITNESS WHEREOF the Guarantee Company has hereunto affixed its Corporate Seal.

(10) President or other officer having authority.

SEALED AND DELIVERED AND COUNTERSIGNED by (10) \_\_\_\_\_ of The Guarantee Company.

IN THE PRESENCE OF

(11) Signature of Witness to Execution by officer.

(12)

(12) Signature of proper officer of the Company opposite the Company's Seal.

**44. Polariscopic Test and Sampling of Sugar and Molasses**

Series D No. 49

T.M.R. 17

(1st Revision)

Pursuant to section 42 of the Customs Act the Minister of National Revenue hereby prescribes that the instrument to be used in determining the classification of sugar and molasses for the purposes of the Customs Tariff is a Polarimeter optically adjusted for use with monochromatic sodium light, with the International Sugar Scale and of such sensitivity as to read to 0.1 per cent or less on the scale.

J. J. McCANN,  
*Minister of National Revenue.*

Ottawa, July 1, 1954.

4. Such certificate shall be in the following form:

have been actually exported to the Port of....., in  
....., named in the said Report Outward.

5. A certified copy of the Report Outward shall accompany the shipment in order that the required certificate may be placed thereon.

Ottawa, June 25, 1954.

KNOW ALL MEN BY THESE PRESENTS, that we (1) <sup>(1) Name of approved</sup>  
hereinafter called <sup>Guarantee</sup>  
Company," are held and firmly bound unto our

(2) money of Canada, to be paid to her said Majesty the Queen, her heirs and successors, and for which payment well and truly to be made we bind ourselves and our successors and assigns firmly by these presents.

, 19 .

No. (6) \_\_\_\_\_), the  
following wines, spirituous and fermented malt liquors of which  
(7) \_\_\_\_\_ is the

AND WHEREAS the Guarantee Company has agreed to guarantee that the said goods shall be duly exported to the port named in the said Report Outward as required by the Customs Act and regulations thereunder.

(1) Name  
of approved  
Guarantee  
Company.

(2) Double amount of duties of importation on the goods to be set down in words and not in figures.

(3) Name of vessel.  
(4) Name of master.  
(5) Name of port.  
(6) Number of report.  
(7) Name of owner, shipper, or consignor.  
(8) Name of port of destination.  
(9) Description of liquors.



**Customs Tariff**—*continued***1. Definition of direct shipment**

P.C. 3659

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 2nd day of December, 1935.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS in order to secure uniform administration of the Tariff laws, an Order in Council (P.C. 1988) was passed on the 1st December, 1926, defining the words "direct shipment" in respect to goods imported into Canada from any British Country entitled to admission into Canada at rates as low as or lower than the British Preferential Tariff;

This Order in Council provided under certain conditions for the transshipment of goods at a Port of a British country enjoying the benefits of the British Preferential Tariff;

AND WHEREAS section 3 of the Customs Tariff now provides that goods entitled to the benefits of the British Preferential Tariff may, under certain conditions, be transferred at a Port in any British possession;

AND WHEREAS the Minister of Finance reports that it would be advantageous to Canadian trade if a similar privilege be accorded to goods entitled to the benefits of the trade agreements between Canada and other British countries.

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to cancel the Order in Council of the 1st December, 1926, (P.C. 1988) and it is hereby cancelled accordingly:

HIS EXCELLENCY in Council, in order to secure a uniform administration of tariff laws, is further pleased to order and it is hereby ordered that the words "direct shipment" or words meaning direct shipment, wherever they occur in the Customs Tariff or in any Trade Agreement, shall, as respect goods imported into Canada from any British country entitled to admission into Canada at rates of Customs duty as low as, or lower than the British Preferential Tariff, be held to mean conveyed into a sea, lake or river, port of Canada, on a bill of lading from the country of origin, showing the ultimate destination to be Canada, without contingency of diversion, and without transshipment, except at a Port of any British country.

**CUSTOMS TARIFF. (R.S.C., 1952, c. 60)**

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**Customs Tariff**—*continued***4. CASH DISCOUNTS**

Special or dumping duty will not apply on account of the allowance to the purchaser in Canada of a cash discount similar in percentage and terms with that allowed generally by the exporter on home market sales.

NOTE.—The Customs Act makes no provision for deduction of a cash discount for ordinary duty purposes. The fair home market value shown on invoices requires to be that on usual credit terms, and the cash discount which may be taken for cash settlement should be shown in accordance with home market practice only as terms with details as to percentage and time limitation. Where, through inadvertence, a cash discount is shown deducted on invoices, an undertaking will be required from the importer that same will not be taken unless earned by settlement in accordance with such terms.

**5. FREIGHT ALLOWANCES**

Where goods are sold generally in the home market of the exporter at a common delivered price (freight prepaid or allowed) to all destinations in a prescribed territory in which the place of direct shipment to Canada is located, a similar allowance may be granted to the purchaser in Canada without rendering importations liable to special duty. Such allowance may not exceed the actual carriage charges to destination in Canada.

NOTE.—This allowance is not allowable for ordinary duty purposes, and should therefore be deducted as such only in the selling price column on invoices but not deducted when determining and showing the fair market value in principal markets of the country of export and at the place of direct shipment to Canada.

**6. DEFERRED QUANTITY ALLOWANCES**

Deferred allowances granted generally in the home market on the basis of quantity purchased, when similarly granted to purchasers in Canada, will not subject importations to special duty.

NOTE.—Such allowances not shown and allowed and deducted on home market invoices may not be allowed for ordinary duty purposes.

Invoices to be consistent with the certificate thereon should bear a notation that the selling price is subject to a deferred quantity allowance as allowed generally in the home market.

**7. JOB LOTS, SECONDS, ETC.**

Special or dumping duty is not applicable to *bona fide* job lots, remnants, second or defective goods and used or second-hand goods, the values of which have been appraised, where the selling price to the purchaser in Canada is not less than the price as sold for home consumption under like conditions.

D. SIM

*Deputy Minister of National Revenue,  
Customs and Excise.*

August 5, 1948.



**Customs Tariff—continued****2. Articles not deemed of a class or kind made in Canada**

P.C. 1618

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of July, 1936.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority granted by subsection ten of section six of the Customs Tariff, as enacted by the Act to amend the Customs Tariff assented to the 23rd day of June, 1936, is pleased to order and it is hereby ordered that articles shall not be deemed to be of a class or kind made or produced in Canada unless a quantity sufficient to supply ten per centum of the normal Canadian consumption of such article is so made or produced.

*Regulations under Section 6 of the Customs Tariff*

D. No. 87 Revised.

1.

Order in Council P.C. 1618, 2nd July, 1936 (Memorandum D No. 33 Supplement B). Articles shall not be deemed to be of a class or kind made or produced in Canada unless a quantity sufficient to supply ten per centum of the normal Canadian consumption of such article is so made or produced.

**2. BONA FIDE SAMPLES ADMITTED WITHOUT SPECIAL DUTY**

Articles of merchandise for use *bona fide* as samples for sale of similar goods are to be admitted without special duty (subject, however, to ordinary duties as heretofore).

**3. ADVANCE IN MARKET VALUE AFTER PURCHASE OF GOODS BY IMPORTER NOT SUBJECT TO SPECIAL DUTY**

The amount of any advance in the market value of goods between the time of their purchase by the importer and the date of their exportation to Canada shall not be subject to special or dumping duty, provided the purchase agreement firmly establishes the price and quantity, and final shipment is made within a period in accordance with usual home market practice, and further provided that the actual date of purchase is established to the satisfaction of the Collector by contracts or other sufficient documentary evidence produced for his inspection and attested to.

Under this regulation, increases in the rate of exchange between the date of purchase and date of shipment may be considered as effecting an advance in the market value of goods.

NOTE.—In respect of goods subject to an *ad valorem* duty, the *ordinary* duty shall be collected on the fair market value of the goods at the time and at the exchange rate on the date of their direct exportation to Canada under the provisions of the Customs Act.



**Customs Tariff—continued****4. Regulations governing the duty free entry of animals for the improvement of stock**

P.C. 2887

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of National Revenue, with the concurrence of the Minister of Agriculture, is of the opinion that the existing regulations governing the duty free entry of animals for the improvement of stock, under Item No. 1 of the Customs Tariff, established by Order in Council P.C. 2507 of December 20, 1919 are insufficient to adequately protect and take care of the needs of the live stock industry in Canada;

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to revoke the said regulations respecting free entry of animals for the improvement of stock, established by Order in Council P.C. 2507 of 20th December, 1919, and they are hereby revoked accordingly and the attached new regulations established in lieu thereof.

*Regulations*

1. Animals shall not be permitted entry under Tariff Item No. 1 unless the importer furnishes to the Collector of Customs and Excise at the Port of Entry:

- (1) An import certificate, in approved form, stating that the animal is registered in a book of record recognized as authentic, and issued by the "Director" of the Canadian National Live Stock Records, Ottawa, or the "Secretary" of any other governing association incorporated under the Live Stock Pedigree Act, as the case may be.
- (2) A statutory declaration, in approved form, by the owner, or one of the owners, as the case may be, stating,—
  - (a) that the animal is, to the best of his knowledge and belief, the identical animal described on the import certificate;
  - (b) that, prior to its importation, the animal was registered in the ownership of the importer in a record abroad recognized as authentic by the Canadian National Live Stock Records or other governing association incorporated under the Live Stock Pedigree Act (this ownership requirement shall not apply in cases where the animal is imported for service, for a temporary period only);
  - (c) that the animal is being imported for breeding purposes in the improvement of live stock; and
  - (d) in cases where the importer is not a British subject resident in Canada, that the animal will not be sold or otherwise disposed of without payment of duty until after twelve months from the date of the Customs import entry.

**Customs Tariff**—*continued*

**3. Regulations under which free admission may be granted on return of Canadian contractors' equipment exported**

P.C. 2194

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of September, 1937.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue, is pleased to make the following regulations, on compliance with which machinery and other equipment of Canadian manufacture, or on which duty has once been paid, the property of contractors resident in Canada, exported for use in fulfilling contracts obtained abroad, may be re-admitted without payment of duty or taxes, and the same are hereby made and established accordingly:

*Regulations*

Machinery and other equipment, of Canadian manufacture or on which duty has once been paid, the property of contractors resident in Canada, exported from Canada for use in fulfilling contracts obtained abroad, may be re-admitted without payment of duty and/or taxes to which they may be liable, subject to the following conditions:

1. All articles comprising such contractors' outfits shall:

- (1) bear adequate marks of identification when capable of being so marked,
- (2) be exported under Customs supervision, the export entry to contain sufficient detailed description, including marks and serial numbers in respect of each article, for identification purposes on reimportation,
- (3) on reimportation be satisfactorily identified by an officer of Customs,
- (4) be returned to Canada within five years from the date of exportation,
- (5) remain the property of the contractor.

2. Duty and/or taxes shall be paid on the value of any repairs, alterations or additions placed on articles of machinery and other equipment while abroad.

3. The decision of the Minister of National Revenue as to the *bona fides* of any claim for entry under this regulation shall be final.

**Customs Tariff—continued**

(b) The import certificate shall be marked with the Customs entry number and the office dating stamp;

(c) The Collector of Customs and Excise or other officer shall not demand or accept any certificate as to pedigree other than the approved official "Import Certificate".

(d) Animals may be shipped in bond from the Canadian frontier port to the Customs port of destination, subject to quarantine requirements.

3. Information respecting import certificates may be procured on application to the Director, Canadian National Live Stock Records, Ottawa, from whom there may also be obtained a list of Canadian records and other information, concerning the importation of pure-bred animals for the improvement of stock, covered by Tariff Item No. 1.

H. D. SCULLY,  
*Commissioner of Customs.*

**FORMS**

Copies of the forms contained in Appendices I and II may be obtained from the Collector of Customs and Excise at the Port of Entry.

**5. Drawback on goods for home consumption**

P.C. 80/3440

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,  
Approved by His Excellency the Governor General in Council,  
on the 9th May, 1944*

The Board recommend that, under the powers granted by section 12 of the Customs Tariff, and section 284(l) of the Customs Act, the following regulations concerning drawback of Custom duties paid on goods imported into Canada and used for home consumption be made and established to take effect on and from April 1, 1944, superseding as of that date regulations made by Order in Council P.C. 30/185, dated January 28, 1937.

**REGULATIONS CONCERNING DRAWBACK FOR HOME CONSUMPTION**

When imported materials and/or articles on which Customs duties have been paid are used for the purpose specified, there may, subject to the following conditions, be allowed the several rates of drawback of Customs duties (not including special duty or dumping duty) set opposite each item in Schedule "B" of the Customs Tariff, or the stated rates of drawback authorized by Orders in Council, viz.:—

- (1) The whole of the drawback for home consumption shall be paid to:
  - (a) the manufacturer or producer of the goods in which materials and/or articles subject to drawback are used; or
  - (b) the manufacturer or producer of a part or parts, who sells to the manufacturer or producer to manufacture goods specified as subject to drawback;
- (2) The quantities of materials or articles used and the amount of Customs duties paid thereon shall be ascertained;

**Customs Tariff—continued**

2. Before an import certificate is issued the governing body issuing same may require the importer to produce, in addition to an export certificate of pedigree from the breeder abroad, a certificate of registration of ownership, a service certificate if the animal is a female and bred, both signed by the Secretary of the British or foreign record organization, and such other evidence as will satisfactorily establish that the animal is suitable for the improvement of live stock in Canada. In the event that the governing body is not satisfied that the animal is suitable for the improvement of live stock in Canada, an import certificate shall not be issued, and the decision as to whether an import certificate shall or shall not be issued shall rest solely with the governing body.

3. In the case of horses, the Health of Animals Division of the Department of Agriculture shall, for the purpose of identification, examine the animal as to age, colour and markings, and supply a certificate, embodying these particulars, to the Director of the Canadian National Live Stock Records, who shall not issue an import certificate before receiving same.

4. No import certificate shall pre-date the date when a book of record is recognized as authentic by the governing body.

5. The forms of import certificate and statutory declaration, and the Customs procedure to be followed, shall be as directed by the Minister of National Revenue.

6. If the importer cannot produce the import certificate at the time of the arrival of the animal, import entry may be passed on payment of any Customs duty which would otherwise be payable, subject to refund of the duty so paid if the requisite import certificate is produced and these regulations otherwise complied with within one year from the date of the Customs import entry.

7. Animals which are duly recorded in a recognized Canadian book of record for the breed, including animals which have been entered under Tariff Item No. 1 and these regulations, may be exported temporarily and returned to Canada to the exporter thereof within twelve months without payment of duty, upon production of a special import certificate and statutory declaration in forms approved by the Minister of National Revenue.

MINISTERIAL INSTRUCTIONS

1. (a) The import certificate and the statutory declaration required to be delivered to the Collector of Customs and Excise before entry under Tariff Item No. 1 is permitted, shall be in one of the Forms in Appendices I and II hereto:

(b) The import certificate for horses shall specify the colour and natural markings, if any; if there are no markings the word "solid" shall be inserted. The Collector of Customs and Excise or other proper officer is required to compare the description given on the import certificate with the animal, or with a memorandum showing the colour and markings made by him at the time the animal was entered at Customs if the import certificate was not then produced, and if the colour and markings do not agree entry under Tariff Item No. 1 shall be refused.

2. (a) the import certificate shall be forwarded to the Department with the copy of the duty free Customs entry or the Refund Claim, as the case may be;



**Customs Tariff**—*continued*

ever, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

- (b) a certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;
- (c) when the claimant is claiming under regulation (1) (b) above, a statement in the form prescribed by the Minister, of imported materials and/or articles supplied to the manufacturer or producer.

## 6. Importation of the semen of pure bred animals for the improvement of stock

P.C. 3768

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 10th day of September, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Tariff Item 786, effective the 28th June, 1946, reads as follows:

"Semen of horses, cattle, sheep, goats, asses, swine, dogs, pure bred, for the improvement of stock, under regulations prescribed by the Governor in Council—

British Preferential Tariff .....	Free
Intermediate Tariff .....	Free
General Tariff .....	Free".

AND WHEREAS this tariff item replaces tariff item 1a established by Order in Council P.C. 687 passed on the 3rd February, 1944, under the authority of the War Measures Act and continued in force by the National Emergency Transitional Powers Act;

AND WHEREAS it is necessary to establish regulations applicable to Tariff Item 786;

AND WHEREAS the Minister of Agriculture has deemed it expedient to cancel his Order of the 3rd March, 1944, and to make provision for the importation of semen of sires other than those defined as pure bred under the Live Stock Pedigree Act, and his substituted order reads as follows:

### MINISTERIAL ORDER

Under and by virtue of authority conferred upon me by section 17 of the Animal Contagious Diseases Act, chapter 6 R.S.C. 1927, the importation into Canada of the semen of animals for artificial insemination is hereby prohibited except under permit by the Veterinary Director General.

**Customs Tariff**—*continued*

- (3) Satisfactory evidence shall be furnished of the manufacture or use of the goods in respect of which drawback is claimed;
- (4) Claims for drawback submitted on and after April 1, 1944, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto and shall not be paid unless the Customs duties involved have been paid on the goods within three years of the date of filing the claim, nor unless the claims as presented at any one time aggregate ten dollars or over;
- (5) Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part;
- (6) Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products, the drawback otherwise payable in respect of such imported goods shall be reduced by a sum proportionate to the value of such by-produced; that is to say by a percentage equivalent to the percentage value of the by-products in relation to the total value of goods manufactured or produced, excepting that drawback claims filed in respect of bituminous coal converted into coke shall be paid in respect of the full quantity of coal processed and represented in the coke covered by the drawback claim, without deduction for merchantable by-products or waste; and

Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, drawback otherwise payable shall be reduced by a sum, representing duties and/or taxes, to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duties and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used;

- (7) The following documents shall be delivered with the claim for drawback, viz.:—
  - (a) a copy of the import entry showing the payment of the Customs duties on the materials or articles in respect of which drawback is claimed. If a copy of the import entry, how-

**Customs Tariff—continued**

at the port of entry has been furnished with an import permit, in approved form, issued by the Veterinary Director General, Department of Agriculture, Ottawa.

4. Semen from pure bred animals for the improvement of stock by artificial insemination is not to be permitted duty free entry under tariff item 786 unless the importer furnishes to the Collector of Customs and Excise at the port of entry,

(a) an import certificate, in approved form, issued by the Director of the Canadian National Live Stock Records, Ottawa, or the Secretary of any other governing association incorporated under the Live Stock Pedigree Act, as the case may be;

(b) a statutory declaration, in approved form, by the importer stating,—

(i) That I am a resident of Canada, being domiciled at .....

(ii) that the semen described on the import container is the identical semen for which H. of A. permit No. .... was issued to me by the Veterinary Director General and for which application is hereby made for duty free entry;

(iii) that the semen covered by the said import permit will be used only by me or under my direction in the artificial insemination of animals for the improvement of stock owned by me, or by an artificial breeding unit of which I am a member or a qualified official; and

(iv) that any portion of the said semen which is not used for the insemination of such stock will be destroyed and that none of the semen will be used or disposed of otherwise.

5. If the importer cannot produce the import certificate at the time the Customs entry is required to be passed, entry may be accepted on payment of Customs duty, and any tax applicable under the Special War Revenue Act, subject to refund if the requisite import certificate is produced and these regulations otherwise complied with within three months from the date of the Customs import entry.

6. The import permits shall be in the forms prescribed by the Veterinary Director General.

7. The import certificate shall be in the form prescribed by the Canadian National Live Stock Records or by other governing association incorporated under the Live Stock Pedigree Act, as the case may be.

8. The Minister of National Revenue shall prescribe a form of export declaration respecting semen shipped to Canada for artificial insemination of animals, which must be completed by the exporter of the semen and attached by an adhesive to the outside wrapper of the package containing the semen.

9. The Customs procedure to be followed in respect of the clearance through Customs of shipments of semen for artificial insemination of animals shall be as prescribed by the Minister of National Revenue.

10. The Minister of National Revenue and the Minister of Agriculture may prescribe such further regulations as may be deemed expedient to effectively control the importation and use of semen for the artificial insemination of animals and to adequately safeguard and protect the pure bred live stock industry of Canada.



**Customs Tariff**—*continued*

Application for a permit to import semen shall be made in writing to the Veterinary Director General. The application shall be accompanied by a certificate signed or endorsed by an official veterinarian of the National Government of the country of origin showing that the animal from which the semen is to be obtained has been examined and found free from any contagious disease.

When the semen is to be used for the impregnation of cows, an official certificate shall accompany the application for a permit.

The certificate shall state

- (a) that the bull has passed a negative test for Brucellosis,
- (b) that the bull and the herd in which it is kept are free from Tuberculosis.

To secure a permit to import semen from pure bred animals duty free for the improvement of stock, the applicant shall state the breed, registered name and registration number of the male animal from which the semen is to be obtained, the book of record in which registered and the name and address of the owner of the animal.

No permit shall be issued unless the country of origin has been declared free from foot and mouth disease and rinderpest for a period of six months preceding date of application.

My Order of the third day of March, one thousand nine hundred and forty-hour is hereby cancelled.

Dated at Ottawa this eighth day of August, one thousand nine hundred and forty-six.

JAMES G. GARDINER,  
*Minister of Agriculture.*

AND WHEREAS the Minister of Agriculture, under authority of The Live Stock Pedigree Act, has authorized the Board of Directors of each breed association to appoint a committee to be known as the Special Committee on Artificial Insemination, which shall regulate and control the breeding of pure bred animals by means of artificial insemination, and special rules and regulations have been established to govern the registration of animals born as the result of artificial insemination;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue concurred in by the Acting Minister of Agriculture, is pleased to make the following regulations and they are hereby made and established accordingly.

*Regulations*

1. The Ministerial Order, dated 8th August, 1946, issued by the Minister of Agriculture, which provides that the importation into Canada of the semen of animals for artificial insemination is prohibited except under permit by the Veterinary Director General, is hereby approved.

2. The action of the Minister of Agriculture in authorizing the setting up of the Special Committees on Artificial Insemination to regulate and control the registration of animals born as a result of artificial insemination, is also hereby approved.

3. Semen for artificial insemination of animals shall not be released for delivery to the importer unless the Collector of Customs and Excise



**Customs Tariff—continued**

7. The import certificate shall be marked with the number of the duty free Customs entry, under tariff item 786, and the official dating stamp, and forwarded to the Department with the copy of the duty free Customs entry or with the refund claim, as the case may be.

8. The Collector of Customs and Excise shall not demand nor accept any certificate as to purity of the breed of the sire or any other document relative to the origin and/or freedom from disease of the semen other than the approved official import permit.

9. The Collector of Customs and Excise shall not demand nor accept any certificate as to purity of the breed of the sire, for duty free entry of semen under tariff item 786, other than the approved official import certificate.

10. Information respecting import permits may be procured on application to the Veterinary Director General, Department of Agriculture, Ottawa, and respecting import certificates and authority to practise artificial insemination of animals an application to the Director, Canadian National Live Stock Records, Ottawa, or the Secretary of the Holstein-Friesian Association of Canada, Brantford, Ontario.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**7. Designating countries and military service agencies and prescribing regulations under Tariff Item 708**

P.C. 5243

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of October, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Item 708 of the Customs Tariff empowers the Governor in Council to designate British Commonwealth countries or foreign countries that are parties to the North Atlantic Treaty as being countries entitled under that tariff item to the duty free entry of arms, military stores, munitions of war and other goods, the property of and to remain the property of such countries, and to designate military service agencies and institutions of designated countries for the purpose of granting the duty free entry of goods for the personal use of or consumption by their nationals, who are employed in their defence establishment in Canada;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to designate and doth hereby designate the following countries and military service agencies for the purpose of Tariff Item 708:

Australia	India	Pakistan
Belgium	Italy	Portugal
Ceylon	Luxemborg	Union of South Africa
Denmark	Netherlands	United Kingdom
France	New Zealand	United States
Iceland	Norway	
United States	Military Service Agencies,	at Goose Bay Airport,
Newfoundland		

**Customs Tariff—continued**

## SEMEN OF PURE BRED ANIMALS FOR THE IMPROVEMENT OF STOCK

*Ministerial instructions*

D. 49TMR 13 Rev.  
16th September, 1946.

1. The import permit and the export declaration, which must be in the hands of the Collector of Customs and Excise before the semen is released for delivery to the importer, shall be in the forms of Appendix I hereto.

2. The import certificate, required to be delivered to the Collector of Customs and Excise before entry under tariff item 786 is accepted, shall be in one of the forms in Appendix II hereto, as the case may be, and the importers statutory declaration shall be in the form of Appendix III hereto.

3. The import permit covering the shipment of semen for artificial insemination of animals shall be in the hands of the Collector of Customs and Excise before the semen is released for delivery or Customs entry accepted, provided, however, that in cases where the import permit does not accompany the semen or is not in the hands of the said Collector when the semen arrives, he shall immediately send particulars by telegram (at the expense of the importer) to the Veterinary Director General, Department of Agriculture, Ottawa, for instructions, and the semen shall only be released for delivery if advice is received from the Veterinary Director General that an import permit for the particular semen has been or will be issued, but the Customs entry covering same shall not be accepted until such import permit has been received.

4. Semen for the artificial insemination of animals is extremely perishable, and to maintain its vital properties it is shipped in a thermos flask or other insulated container. It is important that the semen reach its destination with all possible speed; hence, to expedite delivery and to avoid damage or deterioration, shipments thereof, when the import permit has been received and the shipper's declaration on the package is in accordance therewith, are to be given immediate release for delivery to the Importer on Form C-6 (Collector's Permission for special purposes), without bond or deposit, conditional on the Customs entry being passed within seventy-two hours.

The package containing the semen is to be delivered without examination or disturbing the contents, identification being sufficient if the information in the export declaration on the outside wrapper of the package agrees with the information on the import permit.

5. If the importer cannot produce the import certificate issued by Canadian National Live Stock Records or by other governing Association incorporated under the Live Stock Pedigree Act and only the import permit issued by the Veterinary Director General is produced, an import entry may be passed on payment of Customs duty (tariff item 711), and any tax applicable under the Special War Revenue Act, subject to refund if the requisite import certificate is produced and the regulations otherwise complied with within three months of the date of the Customs import entry, as provided in the Order in Council.

6. The import permit shall be marked with the number of the Customs entry and the official dating stamp, and forwarded to the Department with the copy of the Customs entry.

**Customs Tariff—continued**

6. These regulations shall be deemed to have come into force on the eleventh day of April, 1951, and to have applied to all goods imported or taken out of warehouse for consumption on or after that date, and to have applied to goods previously imported for which no entry for consumption was made prior to that date.

**8. Regulations governing the temporary entry of circuses and other amusement devices**

P.C. 4665

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of December, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of the Customs Tariff, is pleased to order as follows:

1. The following Orders in Council are hereby revoked:

(1) Order in Council P.C. 5264 of 23rd December, 1947, which established certain regulations respecting the temporary entry of circuses and other amusement devices, as amended;

(2) Order in Council P.C. 2934 of 16th June, 1950, relating to the entry of certain portable lighting equipment; and

(3) Order in Council P.C. 1976 of 20th April, 1951, relating to the entry of automobiles and motorcycles for competitive racing purposes.

2. The annexed "Regulations governing the Temporary Entry of Circuses and other Amusement Devices" are hereby made and established in substitution for the regulations referred to above and which are hereby revoked.

**REGULATIONS GOVERNING THE TEMPORARY ENTRY OF CIRCUSES AND OTHER AMUSEMENT DEVICES**

1. The equipment comprising the attractions specified hereunder may be admitted upon payment of the following fees, in lieu of Customs and Excise duties and taxes, for each month or portion thereof while in Canada:

(1) Circuses, with or without menageries, but not including amusement riding devices, side-shows and concessions intended to operate outside of the circus and menagerie proper, and for which a separate admission is charged, moving in six or more railway cars or in twelve or more motor trucks.....\$3,000.

(2) Circuses, with or without menageries, but not including amusement riding devices, sideshows and concessions intended to operate outside of the circus and menagerie proper, and for which a separate admission is charged, moving in five or less railway cars or in eleven or less motor trucks.....\$1,500.



**Customs Tariff—continued**

His Excellency in Council, on the same recommendation is pleased, further to prescribe the regulations contained in the Appendix hereto to govern the importation into Canada of goods the property of and to remain the property of British Commonwealth countries or foreign countries that are parties to the North Atlantic Treaty and that have been duly designated as such pursuant to Tariff Item 708, and of the duly designated military service agencies and institutions of such designated countries, and the said regulations are hereby made and established, accordingly.

REGULATIONS RESPECTING GOODS IMPORTED UNDER TARIFF ITEM 708

1. A Customs entry on the official form shall be presented as required by law. The column "Description of Goods" shall be completed as fully as possible from the information available, but in the absence of specific details, broad headings, such as "Aircraft parts, ammunition, food supplies, clothing, etc." will be acceptable. Standard Customs regulations with respect to manifesting and examination apply to all such shipments.

2. A properly certified Customs invoice shall be furnished if available, but if not, bills of lading, shipping tickets, issue vouchers and other official government forms, containing relevant information, will be accepted, provided that such forms contain a satisfactory description of the goods and an indication of their value.

3. Where immediate possession of the goods is essential, and a formal entry cannot be passed for any reason, release may be granted to the importer under Collector's Special Permission, Form C-6, without security, upon proper application being made, conditional upon the proper Customs entry being presented within a reasonable time.

4. A certificate shall be placed on the face of each entry in one of the following terms:

(a) In the case of importations by designated British Commonwealth or NATO countries:

"I certify that the goods herein described are the property of  
and are to remain the property of the Government of  
(.....)  
Name of country

Date ..... Signed: (.....)"  
Authorized Representative

(b) In the case of importations by designated military service agencies and institutions of designated British Commonwealth or NATO countries:

"I certify that the goods herein described are for(.....)  
Name of Institution  
located at (.....) and are for the personal use of  
or consumption by Nationals of (.....)  
Name of country

Date ..... Signed: (.....)"  
Authorized Representative

5. "Authorized Representative" in section four means a representative authorized by his government whose name and facsimile signature have been made known by such Government to the Department of National Revenue.



**Customs Tariff—continued**

- (b) if moving by highway, at the point where unloading in Canada first takes place; if such unloading does not take place at the frontier port of entry into Canada, the show, circus, carnival or midway outfit, or the individual unit of such outfit shall move under Customs convoy from the frontier to the point in Canada where unloading first takes place, where examination will be made by Customs officers, and the Customs entry shall be passed and the fee paid at the Customs port under the survey of which the unloading takes place; if such unloading takes place at a Customs port or outport where there are not sufficient Customs officers to handle the show, circus, carnival or midway outfit, or the individual unit of such outfit, or at a point where there is no Customs office, the owners shall pay the salary, overtime, meals, transportation and other expenses of the Customs officers specially assigned and of the conveying Customs officers.
5. Tickets, advertising matter, programs, books, consumables and articles imported for sale or distribution, are subject to the regular duty and/or sales tax.
6. Where any goods specified in section 5 are imported beyond the requirements for the stay in Canada, and the owner or manager is not prepared to pay the duty and taxes thereon, such goods shall be removed from the cars or trucks and placed in warehouse, there to be held until they are entered for exportation or for home consumption; such goods may be forwarded in bond under Customs manifest to another port in the usual manner by a bonded carrier, on receipt of a written request, but in no case shall such goods be permitted to go forward from the port where Customs entry was passed or from the point of first unloading in the cars or trucks of the show, circus, carnival or midway outfit, or of the individual unit of such outfit.
7. (1) A Collector of Customs and Excise, upon learning that a show, circus, carnival or midway outfit is about to enter Canada at his port or any outport under his survey, shall immediately notify the Department of National Revenue, Ottawa, giving all available particulars, including the nature and size of the show, circus, carnival or midway outfit.
- (2) Upon receipt of instructions from the Department the Collector will immediately assign the number of officers necessary, and such officers shall make a complete check, at the port where Customs entry is passed and at the time of the first unloading, of all goods brought into Canada by the show, circus, carnival or midway outfit.
8. Shows, circuses, carnival or midway outfits brought into Canada temporarily to be operated as attractions at fairs or exhibitions held by any agricultural or other association, shall not be admitted duty free under bond, under Tariff Item 700, not being *bona fide* exhibits, but shall be subject to the fees prescribed by section 1.
9. The Minister of National Revenue may reduce the fees in lieu of Customs and Excise duties and taxes provided for by sections 1 and 2 in such proportion as he may see fit, where it is proved to his satisfaction that amusement riding devices, side-shows and concessions are not available in the immediate vicinity in Canada for the specific period desired, and where such units are operated in Canada for less than one month.

**Customs Tariff—continued**

- (3) Amusement riding devices, being individual units of what is commonly known as a carnival or midway outfit, whether imported with a circus or otherwise, each.....\$ 200.
- (4) Amusement riding devices, designed for use exclusively by children, being individual units of what is commonly known as a carnival or midway outfit, whether imported with a circus or otherwise, each .....\$ 100.
- (5) Amusement riding devices, to be operated as attractions at fairs or exhibitions held by any agricultural or other association, each .....\$ 100.
- (6) Amusement riding devices, designed for use exclusively by children, to be operated as attractions at fairs or exhibitions held by any agricultural or other association, each.....\$ 50.
- (7) Side-shows and concessions, being individual units of what is commonly known as a carnival or midway outfit, whether imported with a circus or otherwise, each.....\$ 100.
- (8) Portable lighting units, including the vehicles by which transportation is effected, for the illumination of baseball and other grounds:
  - (a) With electric generators.....\$ 200.
  - (b) Without generators .....\$ 100.

2. (1) Automobiles and motorcycles for competitive racing purposes are subject to the following fees in lieu of Customs and Excise duties and taxes for each calendar month in any one year while in Canada:

- (a) racing automobiles, each .....\$ 10.
- (b) racing motorcycles, each .....\$ 5.

(2) Fees paid pursuant to this section are not refundable upon exportation of the equipment from Canada and the importer must advise the Collector at the port of entry as to the proposed use of the vehicles; Collectors shall maintain a record of the temporary importations of each racing automobile or racing motorcycle, as the fees are payable for periods of calendar months and exportation and re-importation during such months may be permitted.

3. (1) For the purpose of computing the fees provided for in sections 1 and 2 the owner or manager of the show, circus, carnival or midway outfit, or of the individual unit of such outfit, shall present a copy of the itinerary for Canada to Customs at the port where Customs entry is passed.

(2) Where, after entry at Customs, there is any change in the itinerary which will result in a longer stay in Canada than the period covered by the fee paid, the owner or manager shall at once advise, in writing, the Collector of Customs and Excise at the port where the Customs entry was passed, and forthwith pay to him the additional fee required for the prolonged stay in Canada, and send a copy of such advice to the Department of National Revenue, Ottawa.

4. The fee in lieu of Customs and Excise duties and taxes provided for in sections 1 and 2 shall be paid and Customs entry passed,

- (a) if moving by railway, at the Customs port on which the goods are manifested from the frontier and where unloading in Canada first takes place; all cars which can be sealed shall be placed under Customs Tyden seals at the frontier port, and manifests for cars not sealed shall contain detailed descriptions of the contents;

## Customs Tariff—continued

Commodity	Requirement of one-half British content is reduced to																						
Group 5—Bromine, bromides and other definite chemical compounds containing bromine, but not including pharmaceutical or other preparations of which bromine or a bromine chemical compound is only one of several constituents .....	one-quarter																						
Group 6—Iodine, iodides and other definite chemical compounds containing iodine, but not including pharmaceutical or other preparations of which iodine or an iodine chemical compound is only one of several constituents	one-quarter																						
Group 7—The following organic bases and all salts thereof .....	one-quarter																						
<table border="0"> <tr> <td>Asparagin</td><td>Iridin</td></tr> <tr> <td>Aspidospermine</td><td>Pereirine</td></tr> <tr> <td>Benzol Ecgonine</td><td>Pilocarpine</td></tr> <tr> <td>Boldin Alkaloids</td><td>Quebrachamin</td></tr> <tr> <td>Caulophyllin</td><td>Quebrachin</td></tr> <tr> <td>Chelidonine</td><td>Sabadine</td></tr> <tr> <td>Cornutine</td><td>Sabadinine</td></tr> <tr> <td>Daturine</td><td>Solanidine</td></tr> <tr> <td>Ephedrine</td><td>Solanine</td></tr> <tr> <td>Hydrastin</td><td>Veratrine</td></tr> <tr> <td>Hydrastinine</td><td>Yohimbine</td></tr> </table>	Asparagin	Iridin	Aspidospermine	Pereirine	Benzol Ecgonine	Pilocarpine	Boldin Alkaloids	Quebrachamin	Caulophyllin	Quebrachin	Chelidonine	Sabadine	Cornutine	Sabadinine	Daturine	Solanidine	Ephedrine	Solanine	Hydrastin	Veratrine	Hydrastinine	Yohimbine	
Asparagin	Iridin																						
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Daturine	Solanidine																						
Ephedrine	Solanine																						
Hydrastin	Veratrine																						
Hydrastinine	Yohimbine																						
Group 8—Drugs, such as barks, flowers, roots, beans, berries, balsams, bulbs, fruits, insects, grains, gums, gum resins and oleo-resins, herbs, leaves, nuts, fruit and stem seeds, glucosides; infusions, tinctures and extracts thereof .....	one-quarter																						
Group 9—Agar agar, sweet almond oil, coriander oil, curara, turpentine and spirits of turpentine .....	one-quarter																						
Group 10—All essential oils (including turpeneless oils) .....	one-quarter																						
Cotton fabrics not further manufactured than bleached .....	one-third																						
Cotton yarns .....	one-third																						
Manila rope, not exceeding $1\frac{1}{2}$ inches in circumference, when used exclusively for the fisheries, not to include ropes commonly used for sportsmen's purposes .....	one-quarter																						

**Customs Tariff—continued**

**9. British Preferential Tariff, British Content**

P.C. 1954-531

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 8th day of April, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of the Customs Tariff, is pleased to order as follows:

1. Order in Council P.C. 822 of 26th February, 1948, as amended, relating to the reduction of the British content requirement in respect of certain descriptions or classes of goods, is hereby revoked; and

2. The annexed regulation entitled "British Preferential Tariff—British Content" is hereby made and established in substitution for the Order in Council hereby revoked.

*Regulation*

BRITISH PREFERENTIAL TARIFF

BRITISH CONTENT

In respect of the under-mentioned commodities, the requirement of one-half British content is reduced to the proportion indicated in each case:

<i>Commodity</i>	<i>Requirement of one-half British content is reduced to</i>
Alcoholic Perfumes and Perfumed Spirits ....	one-quarter
Brushes .....	one-quarter
Chemicals and Drugs:	
Group 1—Tartaric Acid and all tartrates	one-quarter
Group 2—Antimony Oxide .....	one-quarter
Bismuth metal and oxides or salts of bismuth .....	one-quarter
Group 3—Mercury metal and all chemical compounds of mercury, not including pharmaceutical or other preparations of which mercury or a mercury chemical compound is only one of several constituents .....	one-quarter
Group 4—Potassium metal, potassium hydroxide and salts of potas- sium .....	one-quarter



**Customs Tariff—continued**

7. Chinaware and porcelainware (not including sanitary or toiletware) decorated or undecorated, as follows:
  - (a) Articles commonly used in connection with the serving of food or drink, or intended or designed for household use for ornamental or decorative purposes;
  - (b) Kitchenware and utensils; and
  - (c) Heraldic and souvenir ware.
8. Ladies' purse, in the form of handbags, not including bags made of beads, metal mesh or of a similar nature.
9. Thermometers of all kinds.
10. Pen knives, jackknives and pocket knives of all kinds, scissors and shears.
11. Articles wholly of porcelain for electrical use.
12. Clocks and clock movements.
13. Packages containing fresh fruit, vegetables or honey.
14. Glazed wall and hearth tiles, and glazed or unglazed floor tiles over six square inches, and all sizes of ceramic mosaic tiles mounted on paper.
15. Vacuum bottles, carafes, flasks, jugs, jars and other thermostatic containers and refills or inserts for use therewith.
16. Imitation totem poles.
17. Stainless steel table knives, forks and spoons.
18. Expansion watch bracelets.
19. Cigarette and cigar lighters, not including lighters provided for in Tariff Item 438c.

Series D No. 1  
(Revised 1954)

**REGULATIONS RESPECTING THE MARKING OF IMPORTED GOODS**

The annexed regulations have been made by the Minister of National Revenue pursuant to Order in Council P.C. 1954-1209 of 18th August 1954, and to section 15 of the Customs Tariff.

Departmental Memorandum Series D No. 1 (Revised 1949) and Supplements 1 to 6 thereto are hereby superseded.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

OTTAWA, November 18, 1954.

**REGULATIONS RESPECTING THE MARKING OF IMPORTED GOODS**

1. Goods of the descriptions or classes hereinafter specified, imported into Canada, shall be marked in legible English or French words so as to indicate their country of origin in the manner hereinafter set forth; such marking shall be made in a conspicuous place that shall not be covered or obscured by any subsequent attachment or arrangement, and shall be as indelible and permanent as the nature of the goods or article will permit.

**Customs Tariff—continued**

*General*

2. The country of origin of a manufactured article in the condition in which it is exported to Canada is that country in which the article has been finished and the industry of which comprises not less than one-half the cost of production of the article.

3. Goods bearing the name of the country of origin or the manufacturer's name with that of the city and province, state or division, or internationally known city, in which the goods were produced, shall be deemed to be properly marked, provided that the marking is otherwise acceptable as regards location, legibility and indelibility, and provided, further, that the relative invoice and shipping and other documents show clearly the place of origin of the goods so marked; where only the name of an internationally known city is used, it shall be accompanied by the words "Made in", "Produced in", "Printed in", or words of similar import.

4. The Collector of Customs shall decide, subject to the approval of the Deputy Minister of National Revenue (Customs and Excise), whether or not the marking found on goods at the time of importation is as nearly indelible and permanent as the nature of the goods permits.

5. Where goods on examination at Customs are found to be not properly marked, the Collector shall require the importer at his expense to mark them in the Customs warehouse, or under Customs supervision on the importer's premises.

6. If the importer fails to mark goods when required by the Collector to do so, the Collector may order that they be exported, failing which they shall be deemed to be unclaimed as of the date of importation and, if subsequently sold by Customs, shall be marked by the purchaser under Customs supervision.

7. Goods entered for subsequent exportation from Canada or solely in transit through Canada are not required to be marked.

8. Goods admissible under Tariff Items 178b, 287a, 481, 690, 693, 695, 695a, 696, 696a, 703, 704, 705, 706 and 707, and articles classed as antiques or curios, imported by individuals for private collections, including items of chinaware or porcelainware certified by the exporter on the invoice to be over twenty-five years old, are not required to be marked.

9. (1) *Printed or lithographed matter of all kinds, including books and pictures, except seals, tickets and labels, which are not capable of being marked legibly and each of which shall not exceed one inch in diameter, in which case the first package or covering shall be marked.*

(a) Seals, tickets or labels, more than one inch in diameter, in packages, strips, sheets or rolls, perforated or otherwise prepared for ready separation into units or intended for use individually; or, regardless of size, when imported in packages, strips, sheets or rolls of more than one hundred units, shall each be legibly marked.

(b) Notwithstanding paragraph (a), seals, tickets or labels, regardless of size, of a kind that cannot be marked legibly, may be marked on the first package or covering, or once on each strip, sheet or roll.

**Customs Tariff—continued**

- (c) Seals, tickets or labels, one inch or less in diameter, in packages of one hundred units or less, or in strips, sheets or rolls of one hundred units or less, may be marked on the first package or covering, or once on each strip, sheet or roll.
- (d) Printed or lithographed matter may bear a blind embossed or die-stamped marking, provided that such marking otherwise complies with these regulations particularly as to location, legibility, permanence and wording.
- (e) Decalcomania or dry transfers, not including ceramic or enamel transfers, shall be marked, either on the back or carrier portion thereof, or on each sheet or roll; but advertising and display decalcomania transfers more than one inch in diameter shall be marked on the face of each transfer in such a manner as to be transferable to the article to which it is intended to be applied; where marking on the sheet or roll is impracticable it may be made on the package or container of dry transfers.
- (f) Decalcomania transfers known as toy transfers may be marked on each sheet, book or package.
- (g) Ceramic or enamel transfers are not required to be marked.
- (h) Printed or lithographed paper or other material used only to cover or contain goods imported into Canada, is not required to be marked.
- (i) Printed or lithographed containers to contain goods for export, and printed or lithographed labels, stickers or wrappers to be attached to goods manufactured or produced in Canada for export, are not required to be marked, provided that the importer certifies as follows on the face of each entry:  
 "I hereby certify that the containers, labels, stickers or wrappers, described on this entry are imported *bona fide* by me to contain or to be attached to goods for export, and will be exported with such goods."
- (j) Containers, labels or wrappers, printed or lithographed, intended to be filled with or attached to Canadian products, shall be marked in such manner, for example, "Label printed by John Jones, New York", as to prevent any misunderstanding as to the origin of the Canadian manufactured goods with which such imported containers, labels or wrappers are used.
- (k) Printed or lithographed matter, in *single* copies, unbound, for use of the importer and not for sale, for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, does not require to be marked.
- (l) Books may be marked on the front or back cover, on the first or last page, or on the title page.
- (2) *Writing, Marking or Drawing Pencils of all Kinds, Penholders of Wood and Fountain Pens.*
- (a) Wooden or fibre lead pencils and penholders may be marked with blind embossed or die-stamped indications of the country of origin,
  - (i) on plain unpainted pencils and penholders without any other lettering thereon, when legible;
  - (ii) on plain painted pencils and penholders without lettering thereon, when the combination of colours used in the die-stamping with that of the pencil or penholder does not result in an indistinct or illegible indication; and



**Customs Tariff—continued**

- (iii) on pencils and penholders with lettering or other printed matter thereon, where the indication appears on the pencil or penholder in the same colour of lettering as the other printed matter.
- (b) Pencils shall not be marked within one inch of the end which is or will be sharpened.
- (c) Crayons or chalk, covered with wood, paper or other material, shall each be marked; uncovered crayons or chalk may be marked on the first or immediate container.
- (d) Fountain pens and pencils other than wooden or fibre lead pencils, may be marked by blind embossing or die-stamping, provided that such marking otherwise complies with these regulations particularly as to legibility, location, permanence and wording.
- (3) *Empty Paper or Paper Board Folding or Set Up Boxes or Cartons, and Empty Plain or Corrugated Fibre or Fibre Board Boxes, for use as Containers*, may be marked with the box maker's stamp as an indication of the country of origin, provided that the stamp will not be covered or obscured when the cartons are set up.
- (4) *Brushes of all Kinds, Including Toothbrushes and Toothbrush Handles*.
  - (a) Brushes shall each be permanently marked by being branded, stamped, impressed, stencilled or embossed on the handle and, except in the case of metal handles, in a contrasting colour; twisted wire brushes without attached handles may be marked by means of a metal label twisted into the frame or wired thereto.
  - (b) Blanks in the rough, not further manufactured than moulded or pressed, for the manufacture of toothbrush handles, are not required to be marked.
- (5) *Razor Blades (Safety Type)* may be marked by etching or die-stamping.
- (6) *Boots, Shoes and Slippers* may be marked on one or both of each pair.
- (7) *Chinaware and Porcelainware (Not including Sanitary or Toiletware) Decorated or Undecorated*, as follows:
  - (a) *Articles Commonly Used in Connection with the Serving of Food or Drink, or intended or Designed for Household Use for Ornamental or Decorative Purposes*;
  - (b) *Kitchenware and Utensils*; and
  - (c) *Heraldic and Souvenir Ware*.
    - (i) Chinaware and porcelainware shall be marked on each piece; the lid or cover of a pot, bowl or dish need not be marked if the pot, bowl or dish itself is marked.
    - (ii) The marking of articles in groups (a), (b) and (c), when made by means of painting or stamping after the articles have been kiln-fired in the process of manufacture, will not be accepted.
- (8) *Ladies' Purses, in the Form of Handbags, not Including Bags Made of Beads, Metal Mesh or of a Similar Nature*, shall be marked by die-stamping or rubber stamping on the outside of the bag itself, on the metal frame or on the lining, provided that the colour used for stamping provides a distinct or legible indication; or by a woven or printed label



**Customs Tariff—continued**

sewn or otherwise firmly attached (not gummed) to the inside of the bag; the marking in every instance must be in a conspicuous position; bags made entirely of beads (including wooden beads) metal mesh or of a similar nature do not require to be marked; bags having beads, sequins, etc., sewn on a fabric backing, or lined, shall be marked as required by this paragraph.

(9) *Thermometers of All Kinds* shall be marked by printing, die-stamping or blind embossing.

(10) *Pen Knives, Jackknives, and Pocket Knives of all Kinds; Scissors and Shears* shall be marked by etching, die-stamping or other indelible impression.

(11) *Articles Wholly of Porcelain for Electrical Use* shall be marked by moulding, impressing or indelible printing; porcelain articles to be combined with other materials to form a composite article, and small porcelain beads, shall be marked on the first covering or container in which they are imported.

(12) *Clocks and Clock Movements.*

(a) Clocks with dials shall be marked in a contrasting colour on the face or the dial.

(b) Clocks without dials shall be marked in a contrasting colour on front of the clock case or on a metal plate or label riveted thereto.

(c) Clock movements without dials shall be marked by die-stamping on the back plate or on a metal plate or label riveted thereto.

(13) *Packages Containing Fresh Fruit, Vegetables or Honey.*

(a) The marking shall be

(i) indelible, plain and reasonably proportional to the size of the package, label or stencil;

(ii) placed on one end or side of boxes, crates, lugs or barrels;

(iii) placed on the lid, handle or one end of other packages; and

(iv) in the case of bags, stencilled, printed, interwoven or on an attached tag.

(b) Lithographed or printed labels may be used as the marking on boxes and, if of durable material and varnished, on barrel heads.

(14) *Glazed Wall and Hearth Tiles; and Glazed or Unglazed Floor Tiles Over Six Square Inches, and All Sizes of Ceramic Mosaic Tiles Mounted on Paper.*

Each tile of this group shall be marked by moulding, impressing or indelible printing; except that ceramic mosaic tiles mounted on paper may be marked by indelible printing on each square foot of paper to which the tiles are fixed.

(15) *Vacuum Bottles, Carafes, Flasks, Jugs, Jars and Other Thermostatic Containers and Refills or Inserts for Use Therewith.*

(a) Vacuum bottles or other insulated receptacles imported as complete articles, shall be marked by die-stamping or other indelible impression on the outer container.

(b) Refills or inserts imported separately shall be marked by etching with acid or by indelible printing.

(16) *Imitation Totem Poles* shall be marked by printing, die-stamping or blind embossing.

(17) *Stainless Steel Table Knives, Forks and Spoons* shall be marked by die-stamping or blind embossing.

**Customs Tariff—continued**

(18) *Expansion Watch Bracelets* shall be marked by etching, die-stamping or blind embossing.

(19) *Cigarette and Cigar Lighters, Not Including Lighters Provided for in Tariff Item 438c*, shall be marked by etching, die-stamping or blind embossing.

**11. Regulations re entry of goods under Tariff Item 438c**

P.C. 1954-1252

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the seventh proviso of Item 438c of Schedule A to the Customs Tariff, is pleased to order as follows:

1. The regulations established by Order in Council P.C. 1953-671 of 30th April, 1953, as amended, for carrying out the provisions of Item 438c of the Customs Tariff, are hereby revoked; and

2. The annexed "Regulations respecting the entry of goods pursuant to Tariff Item No. 438c" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE ENTRY OF GOODS PURSUANT TO  
TARIFF ITEM NO. 438c**

1. Manufacturers in Canada who claim to be entitled to enter the goods listed in Tariff Item 438c, under proviso (1), (2), (3), (4) or (5) thereof, shall,

(a) make a declaration, on the form annexed hereto, declaring their intention to qualify for such entry, during the current production year, in respect of the manufacture of

(i) complete passenger automobiles having a seating capacity for not more than ten persons each, and/or

(ii) motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, motor ambulances and hearses, or chassis therefor,

of which not less than the per centum, as required by the proviso, of the factory cost of production, not including duties and taxes, is incurred in the British Commonwealth; the said declaration shall be filed with the Department of National Revenue, Ottawa, and the Collector of Customs and Excise at the port of entry shall be duly advised by the Department before any entries under the proviso are passed;

(b) deposit with the Department of National Revenue, Government of Canada bonds, fully registered in the name of the manufacturer, or bonds of a guarantee company acceptable to the Government of Canada, to the amount of twenty per centum of the estimated

**Customs Tariff—continued**

amount of duties and excise taxes which would be due the Crown in the event that the manufacturer fails to qualify for entry under the applicable proviso of Tariff Item 438c; upon qualification being established to the satisfaction of the Department, the deposit will be returned on application: Provided that the Minister may take into account probable sums due or to become due from time to time to a manufacturer as drawback of duty on goods imported and reduce accordingly the amount of security required;

- (c) have the option of paying duty as provided in Tariff Item 438c and at the close of their current production year make application for refund upon qualification for entry under proviso (1), (2), (3), (4) or (5) of Tariff Item 438c being established.

2. British Commonwealth factory cost of production content shall be computed on the basis of the formula annexed hereto.

3. Upon compliance with these regulations, the Department shall authorize Collectors of Customs and Excise to permit entry of goods under Tariff Item 438c, proviso (1), (2), (3), (4) or (5), as the case may be.

4. All entries shall bear the following notation, signed by the manufacturer or his duly authorized agent:

"The goods covered by this entry are for original production purposes only, and the entry is subject to amendment on demand."

**DECLARATION**

I, ..... of .....  
 ....., Canada, do hereby declare that I am the .....  
 (Province) ..... (President,  
 ..... of .....  
 General Manager or Controller) ..... (Name of Company)  
 of ..... , Canada, a manufacturer  
 (Place) ..... (Province)  
 of vehicles referred to in Item 438c, Schedule "A" of the Customs Tariff,  
 and that it is the intention of our company to qualify for the entry of  
 goods listed in the item, under proviso ( ) of said Item, to be used in the  
 original production of the vehicles specified therein, the total factory  
 output of which, during the current production year ....., beginning on  
 ..... (year)  
 ..... and closing on ....., will be approximately  
 (date) ..... (date)  
 \* ..... thousand units, in accordance with the requirements  
 of the said Tariff Item and the applicable proviso.

I further declare that should our company be unable, through unforeseen circumstances, to comply with the provisions of Tariff Item 438c and the proviso stated herein, either on quantity production or on content, or should the goods so entered be used for any purpose other than as specified in the Item, all such entries shall be amended forthwith and payment of proper duties and taxes made to the Collector of Customs and Excise concerned.

Dated at ..... this .....  
 day of ....., 19.....  
 ..... (Signed) .....  
 (Collector)



**Customs Tariff—continued**

**BRITISH COMMONWEALTH "FACTORY COST OF PRODUCTION" FORMULA**

For the determination of the factory cost of production, incurred in the British Commonwealth, of vehicles specified in Item 438c, provisos (1), (2), (3), (4) and (5), the following factors shall form the basis of computation:

Commonwealth cost consists of items designated (A).

Non-Commonwealth cost consists of items designated (B).

Full factory cost of production is the total of (A) and (B) items.

*Cost of goods imported by the manufacturer*

- (A) Cost (value for duty) of raw or semi-finished materials or parts and usual coverings thereof, of Commonwealth origin, imported by the manufacturer, either directly or indirectly, and the freight, cartage, insurance and other transit charges paid thereon.
- (B) Cost (value for duty) of raw or semi-finished materials or parts and usual coverings thereof, of non-Commonwealth origin, imported by the manufacturer, either directly or indirectly, and freight, cartage, insurance and other transit charges incurred in transporting the goods to the frontier port of entry in Canada.
- (A) Freight, cartage, insurance and other transit charges incurred in transporting non-Commonwealth goods from the frontier port in Canada to the factory of the manufacturer or his supplier in Canada.

*Cost of goods purchased by the manufacturer from  
a source of supply in Canada*

- (A) (1) When manufactured wholly from Commonwealth material and by Canadian labour.
- (A) and (B) (2) When manufactured by Canadian labour from both Commonwealth and non-Commonwealth material the cost to the manufacturer less (B)—the non-Commonwealth material cost (value for duty) and freight, cartage, insurance and other transit charges incurred in transporting the goods to the frontier port of entry in Canada—shall be considered Commonwealth content (A).

(3) Goods purchased in Canada by the primary supplier from a secondary source for further manufacture shall be dealt with as in (2), certificates from the secondary, tertiary and sources more remote, showing the non-Commonwealth content, being accepted as evidence.

- (A) Manufacturing wages.
- (A) Factory burden or overhead expenses: the factors which may be used as factory overhead expense are shown hereunder under the head "Factory Burden or Overhead Expense Formula".
- (A) and (B) The cost to the manufacturer of inside containers and interior packing for parts ordinarily sold in such usual coverings with the vehicle, shall be (A) or (B), as the case may be. Tool and die charges incurred within the Commonwealth shall constitute Commonwealth content (A); tool and die charges originating outside the Commonwealth shall constitute non-Commonwealth content (B).
- (B) Experimental or engineering expenses when incurred in a non-Commonwealth country shall constitute non-Commonwealth content (B).



**Customs Tariff**—*continued*

- (A) and (B) Administrative and general expenses which may be *fairly allocated to the manufacturing operations in Canada*, when incurred within the Commonwealth, shall constitute Commonwealth content (A), and when incurred in a non-Commonwealth country shall constitute non-Commonwealth content (B).

**NOTE:**

1. (A) Materials or goods of iron or steel may be considered as of 100% Commonwealth origin if manufactured from pig iron produced in Canada or steel poured in Canada.
2. Certificates of Canadian sources of supply certifying as to the origin and values of crude rubber or raw cotton in tires, cotton fabrics, and other goods manufactured in Canada of which rubber and/or cotton is the component of chief value may be accepted, subject to verification when deemed necessary.
3. Customs duties and Excise taxes, royalties, warranty, selling and advertising expenses, and any charges incurred subsequent to the manufacture of the vehicle, shall not be taken into account in calculating factory cost.
4. *Re* Commonwealth and non-Commonwealth content in materials or parts imported by the manufacturer or by primary, secondary or other Canadian sources of supply—A certificate on the invoice, or attached thereto, signed by a responsible official of the British or foreign source of supply, certifying as to the British Commonwealth content in the goods covered thereby, may be accepted. In the event that no such certificate is produced, goods covered by invoice Forms "M.B." and "N.B.", duly certified, and goods shown as of British Commonwealth origin on invoice Forms "M.A." and "N.A.", duly certified, shall be taken as 50% Commonwealth origin and 50% non-Commonwealth origin.
5. A manufacturer, for the purpose of facilitating computation of cost of production, under proviso (1), (2), (3), (4) or (5) of Tariff Item 438c, may at his option, consider the cost of any specified material or article, finished or semi-finished, when purchased from a primary source of supply in the Commonwealth, as of 100% non-Commonwealth origin.

*Factory Burden or Overhead Expense Formula*

The following factors shall be included:

Light,  
Heat,  
Power,  
Water,  
Workmen's Compensation,  
Fire insurance premiums,  
Taxes on land and buildings in Canada,  
Rent for factory premises,  
Repairs to buildings,  
Repairs to machinery and equipment,  
Interest at the rate of 5% on capital outlay on land and buildings,  
and on depreciated value of machinery and equipment,  
Depreciation, 10% on machinery and equipment of a permanent character, but not to include tools, dies, jigs and other similar non-permanent articles,

**Customs Tariff—continued**

Experimental or engineering expenses when such expenses are actually incurred in the Commonwealth,  
Indirect and non-productive labour,  
Manufacturing expense materials,  
Miscellaneous factory expenses.

**NOTE:**

1. Insurance, rent, taxes, repairs, interest and other expenses, as above, on buildings for housing or storing the vehicles after production and final inspection, or on idle buildings, plant and equipment, are not to be included.
2. Factory cost of special pattern military vehicles is not to be included.

**12. Regulations *re* entry of goods under Tariff Item 438d**

P.C. 1954-1253

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the third proviso of Item 438d of Schedule A to the Customs Tariff, is pleased to order as follows:

1. The regulations established by Order in Council P.C. 1953-672 of 30th April, 1953, as amended, for carrying out the provisions of Item 438d of the Customs Tariff, are hereby revoked; and

2. The annexed "Regulations respecting the entry of goods pursuant to Tariff Item No. 438d" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE ENTRY OF GOODS PURSUANT TO  
TARIFF ITEM No. 438d

1. Manufacturers in Canada who claim to be entitled to enter the goods listed in Tariff Item 438d, under proviso (1) thereof, shall,

- (a) make a declaration, on the form annexed hereto, declaring their intention to qualify for such entry during the current production year on the total factory output of motor trucks, motor buses, electric trackless trolley buses, fire-fighting vehicles, ambulances, hearses, or chassis therefor, of which not less than forty per centum of the factory cost of production, not including duties and taxes, is incurred in the British Commonwealth; the said declaration shall be filed with the Department of National Revenue, Ottawa, and the Collector of Customs and Excise at the port of entry shall be duly advised by the Department before any entries under proviso (1) are passed;

**Customs Tariff—continued**

- (b) deposit with the Department of National Revenue, Government of Canada bonds, fully registered in the name of the manufacturer, or bonds of a guarantee company acceptable to the Government of Canada to the amount of twenty per centum of the estimated amount of duties and excise taxes which would be due the Crown in the event that the manufacturer fails to qualify for entry under proviso (1) of Tariff Item 438d; upon qualification being established to the satisfaction of the Department, the deposit shall be returned on application: Provided that the Minister may take into account probable sums due or to become due from time to time to a manufacturer as drawback of duty on goods imported and reduce accordingly the amount of security required;
- (c) manufacturers of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, or chassis therefor listed in Tariff Items 410a(iii), 424 and 438a may elect to pay duty as provided in Tariff Item 438d and at the close of their current production year make application for refund upon qualification for entry under proviso (1) of Tariff Item 438d being established.

2. British Commonwealth factory cost of production content shall be computed on the basis of the formula annexed hereto.

3. Upon compliance with these regulations the Department shall authorize Collectors of Customs and Excise to permit entry of goods under Tariff Item 438d, proviso (1).

4. All entries shall bear the following notation, signed by the manufacturer or his duly authorized agent:

The goods covered by this entry are for original production purposes only, and the entry is subject to amendment on demand.

**DECLARATION**

I, ..... of.....  
 ....., Canada, do hereby declare that I am the  
 (Province)  
 ..... of.....  
 (President, General Manager or Controller) (Name of Company)  
 ..... of ..... , ..... , Canada,  
 (Place) (Province)

a manufacturer of vehicles or chassis for same, referred to in proviso (1) of Item 438d, Schedule "A" of the Customs Tariff, and that it is the intention of our company to qualify for the entry of goods as listed in Item 438d, under proviso (1) of the said Item, to be used in the original production of such vehicles or chassis for same, specified in Tariff Item 438d, of which, based on the total factory output thereof, during the current production year ....., beginning on ..... and closing on  
 (year) (date)

..... , not less than forty per cent of the factory cost of production,  
 (date)  
 not including duties and taxes, is incurred in the British Commonwealth.



**Customs Tariff—continued**

I further declare that should our company be unable, through unforeseen circumstances, to comply with the provisions of Tariff Item 438d and the proviso stated herein, or should the goods so entered be used for any other purpose than original production, all such entries shall be amended forthwith and payment of proper duties and taxes made to the Collector of Customs and Excise concerned.

Dated at ..... this .....  
day of ....., 19.....

Witness:

..... (Signed) .....  
(Collector)

**BRITISH COMMONWEALTH "FACTORY COST OF PRODUCTION" FORMULA**

For the determination of the factory cost of production, incurred in the British Commonwealth, of motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, or chassis for same, within the meaning of Item 438d, proviso (1), the following factors shall form the basis of computation:

Commonwealth cost consists of items designated (A).

Non-Commonwealth cost consists of items designated (B).

Full factory cost of production is the total of (A) and (B) items.

*Cost of goods imported by the manufacturer*

- (A) Cost (value for duty) of raw or semi-finished materials or parts and usual coverings thereof, of Commonwealth origin, imported by the vehicle manufacturer, either directly or indirectly, and the freight, cartage, insurance and other transit charges paid thereon.
- (B) Cost (value for duty) of raw or semi-finished materials or parts and usual coverings thereof, of non-Commonwealth origin, imported by the vehicle manufacturer, either directly or indirectly, and freight, cartage, insurance and other transit charges incurred in transporting the goods to the frontier port of entry in Canada.
- (A) Freight, cartage, insurance and other transit charges incurred in transporting non-Commonwealth goods from the frontier port in Canada to the factory of the vehicle manufacturer or his supplier in Canada.

*Cost of goods purchased by the manufacturer  
from a source of supply in Canada*

- (A) (1) When manufactured wholly from Commonwealth material and by Canadian labour.
- (A) and (B) (2) When manufactured by Canadian labour from both Commonwealth and non-Commonwealth material the cost to the vehicle manufacturer less duties and taxes and less (B)—the non-Commonwealth material cost (value for duty) and freight, cartage, insurance and other transit charges incurred in transporting the goods to the frontier port of entry in Canada—shall be considered Commonwealth content (A).



**Customs Tariff**—*continued*

(3) Goods purchased in Canada by the primary supplier from a secondary source for further manufacture shall be dealt with as in (2), certificates from the secondary, tertiary and sources more remote, showing the non-Commonwealth content, being accepted as evidence.

- (A) Manufacturing wages.
- (A) Factory burden or overhead expenses; the factors which may be used as factory overhead expense are shown hereunder under the head "Factory Burden or Overhead Expense Formula".
- (A) and (B) The cost to the manufacturer of inside containers and interior packing for parts ordinarily sold in such usual coverings with the vehicle shall be (A) or (B), as the case may be.
- (A) and (B) Tool and die charges incurred within the Commonwealth shall constitute Commonwealth content (A); tool and die charges originating outside the Commonwealth shall constitute non-Commonwealth content (B).
- (B) Experimental or engineering expenses when incurred in a non-Commonwealth country shall constitute non-Commonwealth content (B).
- (A) and (B) Administrative and general expenses which may be *fairly allocated to the vehicle manufacturing operations in Canada*, when incurred within the Commonwealth, shall constitute Commonwealth content (A), and when incurred in a non-Commonwealth country shall constitute non-Commonwealth content (B).

**NOTE:**

1. (A) Materials or goods of iron or steel may be considered as of 100% Commonwealth origin if manufactured from pig iron produced in Canada or steel poured in Canada.
2. Certificates of Canadian sources of supply certifying as to the origin and values of crude rubber or raw cotton in tires, cotton fabrics, and other goods manufactured in Canada of which rubber and/or cotton is the component of chief value may be accepted, subject to verification when deemed necessary.
3. Customs duties and Excise taxes, royalties, warranty, selling and advertising expenses, and any charges incurred subsequent to the manufacture of the motor trucks, motor buses, electric trackless trolley buses, fire fighting vehicles, ambulances, hearses, or chassis for same, shall not be taken into account in calculating factory cost.
4. *Re* Commonwealth and non-Commonwealth content in materials or parts imported by the vehicle manufacturer or by primary, secondary or other Canadian sources of supply—A certificate on the invoice, or attached thereto, signed by a responsible official of the British or foreign source of supply, certifying as to the British Commonwealth content in the goods covered thereby, may be accepted. In the event that no such certificate is produced, goods covered by invoice Forms "M.B." and "N.B.", duly certified, and goods shown as of British Commonwealth origin on invoice Forms "M.A." and "N.A.", duly certified, shall be taken as 50% Commonwealth origin and 50% non-Commonwealth origin.
5. A manufacturer, for the purpose of facilitating computation of cost of production, under proviso (1), of Tariff Item 438d, may at his option, consider the cost of any specified material or article, finished or semi-finished, when purchased from a primary source of supply in the Commonwealth, as of 100% non-Commonwealth origin.

**Customs Tariff—continued**

*Factory Burden or Overhead Expense Formula*

The following factors shall be included:

Light,  
Heat,  
Power,  
Water,  
Workmen's compensation,  
Fire insurance premiums,  
Taxes on land and buildings in Canada,  
Rent for factory premises,  
Repairs to buildings,  
Repairs to machinery and equipment,  
Interest at the rate of 5% on capital outlay on land and buildings,  
and on depreciated value of machinery and equipment,  
Depreciation, 10% on machinery and equipment of a permanent  
character, but not to include tools, dies, jigs and other similar  
non-permanent articles,  
Experimental or engineering expenses when such expenses are  
actually incurred in the Commonwealth,  
Indirect and non-productive labour,  
Manufacturing expense materials,  
Miscellaneous factory expenses.

**NOTE:**

1. Insurance, rent, taxes, repairs, interest and other expenses, as above, on buildings for housing or storing the vehicles after production and final inspection, or on idle buildings, plant and equipment, are not to be included.
2. Factory cost of special pattern military vehicles is not to be included.

**13. Regulations *re* Customs Diplomatic Privileges**

P.C. 1954-1700

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of Item 706 of Schedule A to the Customs Tariff, is pleased to order as follows:

1. The Regulations respecting Customs Diplomatic Privileges, established by Order in Council P.C. 1954-1293 of 1st September, 1954, are hereby revoked; and
2. The annexed "Regulations respecting Customs Diplomatic Privileges" are hereby made and established in substitution for the regulations hereby revoked.

**Customs Tariff—continued**

## REGULATIONS RESPECTING CUSTOMS DIPLOMATIC PRIVILEGES

*Interpretation*

1. In these regulations,

- (a) "Collector" means the Collector of Customs and Excise at a port, or any person lawfully deputed, appointed or authorized to do the duty of Collector thereat;
- (b) "duty" or "duties" means duties levied under the Customs Tariff on imported articles;
- (c) "Deputy Minister" means the Deputy Minister of National Revenue for Customs and Excise;
- (d) "of career" means that persons so designated are nationals or citizens of the country they represent, and are not engaged in any business or profession other than their diplomatic or consular duties; and
- (e) "tax" or "taxes" means taxes levied under Parts IV, V or VI of the Excise Tax Act.

*Baggage Examination*

2. The privilege of exemption from examination of baggage and other effects and admission thereof free of duty and taxes is extended to

- (i) Ambassadors, Ministers and High Commissioners representing their countries in Canada, their families and servants;
- (ii) Members of the diplomatic Corps and staffs of High Commissioners' offices eligible for inclusion in the diplomatic list published by the Department of External Affairs, and their families;
- (iii) Consuls General of career, and their families; and
- (iv) Canadian ambassadors, Ministers and High Commissioners to other countries, on returning from abroad.

*Free Entry*

3. The privilege of admission of articles for their personal or family use free of duty and taxes is extended at all times to

- (i) Ambassadors, Ministers and High Commissioners representing their countries in Canada;
- (ii) Members of the diplomatic corps and staffs of High Commissioners' offices eligible for inclusion in the diplomatic list published by the Department of External Affairs;
- (iii) Consuls General of career;
- (iv) Consuls of career and Vice Consuls of career; and
- (v) Trade Commissioners of career, and Assistant Trade Commissioners of career.

4. Application for the free entry of goods, other than motor vehicles, shall be made in writing to the Collector, a separate application being made for each importation.

5. Application for the free entry of motor vehicles imported subsequent to first arrival in Canada, shall be made in the form hereto annexed, and be forwarded by the applicant to the Deputy Minister; upon approval of the application a Free Entry Authorization, in duplicate, will be mailed to the applicant for presentation to the Collector at the point of clearance.

6. Applications made by the persons specified in paragraphs (ii), (iv) and (v) of section 3 must be approved, in writing, by or in the name of the appropriate Ambassador, Minister or High Commissioner, or by the appropriate supervising Consul General.



**Customs Tariff—continued**

*Free Entry on First Arrival Only*

7. The privilege of admission free of duty and taxes of personal and household effects, including motor vehicles, but not including spirituous liquors, is extended on their first arrival to employees of career of foreign and British Commonwealth Governments sent by their governments to posts in Canada, and their families.

*Resale*

8. (1) Goods, other than motor vehicles, which have been admitted free under these regulations and which have been in the use and possession of the importer in Canada for a period of at least one year may be sold or disposed of in Canada without payment of duty and taxes; otherwise they shall be subject to the ordinary provisions of the Customs Tariff and the Excise Tax Act.

(2) Motor vehicles which under these regulations are allowed admission free of duty and taxes shall be subject to the ordinary provisions of the Customs Tariff and the Excise Tax Act if sold or otherwise disposed of in Canada before having been in the use and possession of the importer for a period of at least two years.

(3) In the event of the decease or transfer away from Canada of a person referred to in section 3 before the expiration of the two year period mentioned in subsection (2) of this section, waiver of payment of Customs duty and Excise taxes may be authorized by the Minister on the recommendation of the Secretary of State for External Affairs.

*Articles for Official Use*

9. Uniforms, office equipment, stationery and similar supplies sent by the government of any foreign or British Commonwealth country for the official use of any of its officers in Canada shall be admitted free of duty and taxes.

10. When any despatch bag or package arrives in Canada addressed to an Ambassador, Minister or Charge d'Affaires of an embassy or legation, or to a High Commissioner of a British Commonwealth country, bearing the seal of his government as a guarantee of good faith and which, from such examination as can be made thereof without breaking the seal, shall appear to contain only official documents, it shall be forwarded without detention by either the Canadian postal or Customs authorities direct to the person to whom addressed.

*Reciprocity*

11. (1) All privileges granted by these regulations to persons representing their countries in Canada are conditional on full reciprocity being accorded to offices, officials and employees of the Canadian Government in such countries.

(2) Any privilege granted by these regulations to the representative in Canada of any country may be withheld or discontinued in any case in which the Under Secretary of State for External Affairs certifies to the Deputy Minister that full reciprocity is not granted by that country.



Customs Tariff—continued

(Place)

(Date)

Application for Duty and Tax Exemption on Imported  
Automobiles

To: *The Deputy Minister of National Revenue*  
*for Customs and Excise*  
OTTAWA

I .....  
(Full Name)  
having been officially notified to the Department of External Affairs,  
Ottawa, as ..... hereby request  
(Official Designation)  
your authorization for the importation, free of Customs duty and/or Excise  
taxes, of the automobile described hereunder from .....  
..... at .....  
(Country of Export) (Name of Customs-Excise Port where  
Customs clearance will be effected.)

Description of Automobile

Make	Year	Model	Serial No. (if known)	Purchase Price
				\$
The above-described automobile is being acquired for my personal and family use and not for sale, and I am aware that it may not be sold or otherwise disposed of in Canada within a period of two years from the date of its acquisition, except upon payment of duty and/or taxes on its appraised value at time of sale. If for any reason it becomes necessary to sell or dispose of this automobile within two years from the date of acquisition, I undertake to give advance notification in writing to the Deputy Minister of National Revenue for Customs and Excise, Ottawa.				

The following is a record of all automobiles acquired by me exempt from Customs duty and/or Excise taxes during the two year period preceding the date of this application:

Make	Year	Model	Serial No.	State whether imported or made in Canada	Date cleared from Customs or delivered by local dealer	Current provincial licence number
------	------	-------	------------	--	--	-----------------------------------

NOTE.—If the automobile/s described above has/have been sold or disposed of during the past two years, full particulars of the transaction are to be given hereunder.

Signature of Applicant .....  
Official Designation .....  
Street Address .....

NOTE.—If the applicant is other than Head of the Mission this application must also be signed by the Head of Mission as indicating approval.

Signature of Head of Mission .....  
Official Designation .....

(Seal)

**Customs Tariff—continued**

**14. Regulations respecting the prohibited importation of used or second-hand mattresses and materials therefrom**

D-41

Item 1219, Schedule "C" of the Customs Tariff, in effect the 2nd May, 1936, reads as follows:—

*Prohibited goods:* "Used or second-hand mattresses or materials therefrom:

Provided, that this item does not affect in any manner:

- (a) Mattresses imported under Tariff Items 704, 705, 706, 707, 708, or under tourists' or travellers' vehicle permit;
- (b) Materials from used or second-hand mattresses, when imported after having been cleaned and fumigated, under such regulations as the Minister may prescribe, accompanied by such certificates as he may designate".

In order to ensure that materials from used or second-hand mattresses be not imported into Canada, either in the condition as taken from the used mattress or blended with other stock producing a mixture in which the mattress fillings would perhaps not be recognizable, all invoices of material of a type suitable for upholstering, mattress filling and similar purposes are required to bear thereon, or have attached thereto, an affidavit signed by the exporter, duly attested before a Justice of the Peace, Notary or other Commissioner authorized to take oaths, certifying that

- (a) none of the material imported has ever been used as mattress filling, or
- (b) in the case of materials from used mattresses, which have or have not been blended with other stock, that the operations of cleaning and fumigating have been properly and efficiently carried out, with full details of such operations.

In the case of material certified as coming within the category (a), the invoice is required to bear thereon or have attached thereto a further affidavit, signed by the exporter or other person who has knowledge of the facts relating to the origin of the material and the processes through which it has passed since its formation as waste, certifying that the material has not been willowed or otherwise machine cleaned and is exactly as recovered from the picking or carding machinery.

CHAS. P. BLAIR,  
*Ass't Commissioner of Customs.*

Ottawa, June 15, 1936.

**Customs Tariff—continued****15. Regulations respecting wire rope for rigging of ships and vessels**

D 49 TMR 5

Tariff item 440e, as in effect the 2nd May, 1930, reads as follows:

“Wire rope for use exclusively for rigging of ships and vessels, under regulations prescribed by the Minister—

British Preferential Tariff.....	Free
Intermediate Tariff .....	Free
General Tariff .....	Free.”

## REGULATIONS

Wire rope for rigging of ships and vessels shall not be admitted to duty free entry under tariff item 440e unless the name of the ship or vessel on which such rope is to be used for rigging is stated on the face of the Customs entry.

In all other cases the ordinary rate of duty is to be paid at the time of entry, subject to refund when the wire rope is used for rigging, provided the refund claim is accompanied by certificates from the users showing the quantities and sizes of wire rope and the name of the ship or vessel on which it has been used for ships rigging.

The only wire rope provided for in tariff item 440e is that used for the RIGGING of ships or vessels. This includes wire rope used for either the standing rigging or the running rigging of a ship or vessel, but does not include wire rope for other purposes on board ships or vessels. For example, wire rope used as follows, not being used as ships RIGGING, is not entitled to entry under the said item but is subject to the ordinary rate of duty applicable to wire rope:—

- (a) Wire rope for use as cables.
- (b) Wire rope for use as tow line.
- (c) Wire rope for moving the vessel or for holding the vessel in position.
- (d) Wire rope for hoisting dredge booms, operated from the hoisting engine.
- (e) Wire rope for swinging a dredge boom, operated from the swinging engine.
- (f) Wire rope for hoisting a dredge bucket, operated from the hoisting engine.
- (g) Wire rope for hoisting and lowering spud on a dredge, operated from the spud engine.

H. D. SCULLY,

*Commissioner of Customs.*

Ottawa, March 2, 1937.

**Customs Tariff—continued**

**16. Free entry of certified seed potatoes imported for use exclusively for propagation purposes**

D 49 TMR 12

*Tariff Item 71d*

This tariff provision only covers Certified Seed Potatoes, and each bag or other container must have attached thereto a CERTIFIED SEED POTATOES tag issued by the proper authority of the state or district in which the potatoes were grown, certifying that they have been grown and approved especially for use as seed, in accordance with the official rules and regulations of the Government of the country of production.

H. D. SCULLY,  
*Commissioner of Customs.*

Ottawa, March 15, 1940.

**17. Free entry of rabbits, pure bred, for the improvement of stock**

D 49 TMR 8 Rev.

Tariff Item No. 2a, effective 27th June, 1944, reads as follows:—

Rabbits, pure bred for the improvement of stock, under regulations prescribed by the Minister,.....free.

The regulations prescribed by the Minister are printed herewith.

The certificate of breeding and the declarations required under the regulations shall be produced by the importer and shall be attached to the entry for transmission by the Collector to the Department of National Revenue, Ottawa, the certificates and declarations to be marked in each case with the entry number and office dating stamp.

REGULATIONS

No entry is to be accepted for Rabbits under Tariff Item 2a unless the importer files with the entry a Certificate of Breeding of each Rabbit in the form as shown in the schedule of forms hereto marked "A" supported by the Breeder's Declaration as shown in the schedule of forms marked "B".

The importer must also file his sworn declaration in the form as shown in the schedule of forms hereto marked "C".



## Customs Tariff—continued

## SCHEDULES OF FORMS

"A"

Pedigree of Sire	SIRE	GRAND SIRE	GREAT GRAND SIRE
	Name of Breeder .....	Breeder .....	Breeder .....
	.....	Address .....	Address .....
	Address .....		
NAME OF ANIMAL		GRAND DAM	GREAT GRAND SIRE .
	.....	Breeder .....	Breeder .....
	Sex .....	Address .....	Address .....
	Breeder .....		
Pedigree of Dam	DAM	GRAND SIRE	GREAT GRAND SIRE .
	Name of Breeder .....	Breeder .....	Breeder .....
	.....	Address .....	Address .....
	Address .....		
Pedigree of Dam		GRAND DAM	GREAT GRAND SIRE .
	Name of Breeder .....	Breeder .....	Breeder .....
	.....	Address .....	Address .....
	Address .....		

Customs Tariff—continued

"B"

BREEDER'S DECLARATION

I,..... of..... in.....  
make oath and say that the rabbit named within was bred by myself, is  
purebred and up to the standard of excellence set for\*.....  
rabbits and that I have filled in correctly the names and addresses of the  
breeder or breeders in the case of each ancestor as required on the form  
hereto, and that these ancestors were true\*.....rabbits  
and up to the standard for the breed.

Sworn before me at the.....	}	..... Breeder.
of..... in the.....		
of..... this.....		
day of..... in the year		
of our Lord, 19...		

.....  
Notary Public or Commissioner for  
taking affidavits.

"C"

IMPORTER'S DECLARATION

I,..... of..... in the  
Province of..... Dominion of Canada, make oath and say that  
I am a resident of Canada and that the\*..... rabbit for which  
free entry is claimed under Tariff Item 2a and for which the exporter has  
furnished a pedigree and a sworn-to Breeder's Declaration is, to the best  
of my knowledge and belief, up to the standard of excellence set for this  
breed and that I am importing it into Canada solely for the purpose of  
stock improvement and will not sell or otherwise dispose of it within  
twelve months from the date of the Customs import entry without pay-  
ment of duty thereon.

Sworn before me at the.....	}	..... Importer.
of..... in the.....		
of..... this.....		
day of..... in the year		
of our Lord, 19...		

.....  
Notary Public or Commissioner for  
taking affidavits.

\*Insert here the breed of rabbit.

D. SIM,  
Deputy Minister of National Revenue  
Customs and Excise.

Ottawa, June 30, 1944.

**Customs Tariff**—*continued***18. Articles exported for repair or adjustment**

Series D No. 57  
Third Revision.

Articles may be exported for repairs or adjustments and upon re-importation may be entered for duty on the value only of the repairs or adjustments subject to the following conditions:—

- (a) that application for examination at Customs and for entry for export be made on the prescribed form;
- (b) that satisfactory evidence be produced to establish that the necessary repairs or adjustments cannot be effected in Canada at or within a reasonable distance of the Canadian point of shipment;
- (c) that the article be satisfactorily identified by an officer of Customs on re-importation, and
- (d) that the article be re-imported within one year from the date of exportation.

The application for examination and entry for export shall be made in triplicate on Form E.23.

NOTE: Articles exported to be tested but not physically altered may be dealt with under Tariff Item 709. A physical alteration would constitute an adjustment as provided for in this regulation.

D. SIM,  
Deputy Minister of National Revenue  
Customs and Excise.

Ottawa, January 15, 1949.

**19. Live Stock as Settlers' Effects**

Series D No. 49  
T.M.R. 16

Under the provisions of Tariff Item 705 the Minister of National Revenue has established the following regulations:

1. A settler may import, free of duty, live stock for the farm on the following basis, if he has actually owned such live stock abroad for at least six months before his removal to Canada, and they are imported within one year after his first arrival, viz:

If horses only are imported,	16 allowed
If cattle " " "	16 "
If sheep " " "	160 "
If swine " " "	160 "

2. Where any combinations of these animals are imported, the same proportions are to be observed.

3. Live stock in excess of the number provided for above is dutiable unless pure bred and the regulations established under tariff item No. 1 are complied with.

4. For Customs entry purposes a mare with a colt under six months old is to be considered as one animal; a cow with a calf under six months old is also to be considered as one animal.

Note:—Cattle and other live stock are subject to Quarantine Regulations on entry into Canada.

D. SIM,  
Deputy Minister of National Revenue,  
Customs and Excise.

Ottawa, January 25, 1950.

**Customs Tariff—continued**

**20. Regulation prescribed under Tariff Items 197a and 198a of the Customs Tariff**

Series D No. 49  
T.M.R. 19

*Re: Tariff Items 197a and 198a*

The following regulation is hereby made and established pursuant to Items Nos. 197a and 198a of the Customs Tariff:—

**REGULATION**

No paper shall be entered under tariff item No. 197a or tariff item No. 198a unless the importer has definite knowledge regarding the particular newspaper, magazine or other periodical it will be used to produce and a certificate in the following form is placed on the face of the import entry:

"I hereby certify that the.....paper covered  
(describe fully)  
by this entry, will be used exclusively in the production of (the newspaper/the magazine/the periodical) titled.....  
(state which) (state full title)  
published regularly .....  
(state frequency of publication)  
by ....., and that it will not be used  
(name and address of publisher)  
for any other purpose."

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, September 4, 1951.

**21. Regulations re importation of Ethyl Alcohol**

Series D No. 49  
T.M.R. 21

Tariff Item 791 is as follows:

Materials of all kinds for use only in producing or manufacturing preparations provided for in tariff items 209b and 219a, under regulations prescribed by the Minister of National Revenue.....

British Preferential Tariff.....Free

Most-Favoured-Nation Tariff.....Free

General Tariff.....Free

Although materials under tariff items 209b and 219a must be non-alcoholic, it is possible that Ethyl Alcohol may be for use only in producing or manufacturing non-alcoholic preparations provided for under these tariff items and qualify for entry under tariff item 791.

**REGULATION**

Ethyl alcohol, to qualify for entry under Tariff Item 791, must be denatured in accordance with a formula approved under the Excise Act, and before any importations may be entered under this Item the exporter shall have the formula approved by the Excise Division of this Department, the file number and date of such approval to be shown on the certified Customs invoices.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, May 19, 1952.



Customs Tariff—*continued*22. Regulations *re* entry of United States freight cars

D 49 T.M.R. 22

REGULATIONS RESPECTING FOREIGN RAILWAY ROLLING STOCK USED  
TEMPORARILY IN THE TRANSPORTATION OF GOODS  
FROM PLACE TO PLACE IN CANADA

Tariff Item 436, effective 20th February, 1953, provides as follows:

"436. Locomotives and railway passenger, baggage and freight cars, being the property or under the control of railway companies in the United States, running upon any line or road crossing the frontier, so long as Canadian locomotives and cars are admitted free under similar circumstances into the United States, under regulations prescribed by the Minister .....

Most-Favoured-Nation Tariff ..... Free

General Tariff ..... Free

If such locomotives and railway rolling stock are used temporarily in the transportation of goods from a place in Canada to another place in Canada they are not entitled to free entry but are subject to duty on the rental value or charge made by the United States owner for their use in Canada, or equivalent thereof as determined by regulations prescribed by the Minister."

The following regulations have been prescribed by the Minister:

1. Freight cars owned by or under the control of United States railroad companies, which have entered Canada on international service and have been diverted for use in the transportation of goods from one place in Canada to another place in Canada, shall, for the calendar year 1953 and each year thereafter until otherwise determined, be subject to duty equivalent to the duty and taxes paid thereon for such use during the calendar year 1952.

2. Railway passenger, baggage and freight cars of United States ownership, imported specifically for use in Canada, shall, for the calendar year 1953, and each year thereafter until otherwise determined, be subject to the following rates of duty:—

Tank cars, Gondola cars, Hopper cars ...	\$6.00 per month or fraction thereof
Flat cars, Box cars, Stock cars, Cabooses .	\$5.00 per month or fraction thereof
Freight refrigerator cars .....	\$9.00 per month or fraction thereof
Passenger express, refrigerator cars .....	\$15.00 per month or fraction thereof
All types of passenger cars .....	\$3.00 per day or fraction thereof

3. Users of railroad cars subject to duty under the provisions of section 2 shall submit reports in writing to the Department on January 1, April 1, July 1 and October 1 of each year, giving particulars of the imported cars used by them in domestic service in Canada, during the preceding quarter; the required reports shall be accompanied by copies of Customs entries showing the amounts of duty paid.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, May 11, 1953.

**Customs Tariff—continued**

**23. Prepayment of import duty by Customs Duty Stamps on Advertising Matter Dutiable under Tariff Item 178**

Series D. No. 49

T.M.R. 2 (4th Revision)

The following regulations respecting the prepayment of import duty by Customs Duty Stamps on advertising matter dutiable under Tariff Item 178 are established by the Minister of National Revenue under the authority of the said item.

1. Customs Duty Stamps may be obtained in denominations of one, two, five and ten cents for the prepayment of import duties on advertising pamphlets, price-lists and catalogues and other advertising matter specified in tariff item 178 and dutiable under the item. Applications for stamps shall be directed to the Deputy Minister of National Revenue (Customs and Excise), Ottawa. They shall be accompanied by either a money order, bank draft or certified cheque payable to the Receiver General of Canada. Foreign postal notes are not acceptable. Customs Duty Stamps are also obtainable on application with remittance to the Secretary, High Commissioner for Canada, Canada House, Trafalgar Square, London, S.W. 1, England. Customs Duty Stamps are redeemable at the discretion of the Department.

2. Customs Duty Stamps shall be affixed on each piece of mail matter for the amount of duty payable, in accordance with the postal regulations of the country of despatch; e.g., in the United States, on the reverse side of the piece.

3. Mail matter bearing Customs Duty Stamps shall be transferred to customs after arrival in Canada and before delivery to addresses, to be checked for the proper payment of duty and to have the Customs Duty Stamps thereon cancelled by marking them with the Customs duty paid stamp, Customs dating stamp, or other, cancellation stamp.

4. On advertising matter dutiable under Tariff Item 178, when forwarded by mail, the customs duty may be prepaid by affixing customs stamps thereon in accordance with the following rates:

(1) FROM, AND THE PRODUCT OF, COUNTRIES TO WHICH THE BRITISH  
PREFERENTIAL TARIFF APPLIES:

	DUTY
Up to and including 3 ozs. ....	1c
Over 3 ozs. and not exceeding 6 ozs. ....	2c
Over 6 ozs. and not exceeding 9 ozs. ....	3c
Over 9 ozs. and not exceeding 12 ozs. ....	4c
Over 12 ozs. and not exceeding 16 ozs. ....	5c
Each additional pound .....	5c

**Customs Tariff—continued**

- (2) FROM, AND THE PRODUCT OF, THE UNITED STATES OF AMERICA AND OTHER COUNTRIES TO WHICH THE MOST-FAVoured-NATION TARIFF APPLIES
- Duty

Up to and including 1 oz. ....	2c			
Over 1 oz. and not exceeding 3 ozs.	3c	but not less than 25 per cent		
Over 3 ozs. and not exceeding 5 ozs.	4c	"	"	"
Over 5 ozs. and not exceeding 7 ozs.	5c	"	"	"
Over 7 ozs. and not exceeding 9 ozs.	6c	"	"	"
Over 9 ozs. and not exceeding 11 ozs.	7c	"	"	"
Over 11 ozs. and not exceeding 13 ozs.	8c	"	"	"
Over 13 ozs. and not exceeding 15 ozs.	9c	"	"	"
Over 15 ozs. and not exceeding 16 ozs.	10c	"	"	"
Each additional pound .....	10c	"	"	"

- (3) FROM COUNTRIES TO WHICH THE GENERAL TARIFF APPLIES:
- Duty

Up to and including 1 oz. ....	2c			
Over 1 oz. and not exceeding 2½ ozs.	4c	but not less than 35 per cent		
Over 2½ ozs. and not exceeding 4 ozs.	5c	"	"	"
Over 4 ozs. and not exceeding 5½ ozs.	6c	"	"	"
Over 5½ ozs. and not exceeding 7 ozs.	7c	"	"	"
Over 7 ozs. and not exceeding 8½ ozs.	8c	"	"	"
Over 8½ ozs. and not exceeding 10 ozs.	9c	"	"	"
Over 10 ozs. and not exceeding 11 ozs.	10c	"	"	"
Over 11 ozs. and not exceeding 12 ozs.	11c	"	"	"
Over 12 ozs. and not exceeding 13 ozs.	12c	"	"	"
Over 13 ozs. and not exceeding 14 ozs.	13c	"	"	"
Over 14 ozs. and not exceeding 15 ozs.	14c	"	"	"
Over 15 ozs. and not exceeding 16 ozs.	15c	"	"	"
Each additional pound .....	15c	"	"	"

5. The above regulations do not apply:

- (a) to the articles of advertising matter specified in tariff item 178, when they are produced in countries entitled to the British Preferential Tariff and otherwise qualify for entry under the first qualifying paragraph of the item;
- (b) to advertising matter specified in tariff item 178 and covered by the last qualifying paragraph of the item, when the advertising matter is not specially designed to advertise the sale of goods or services rendered by any person in Canada, and is produced in countries entitled to the British Preferential or the Most-Favoured Nation Tariff.

D. SIM,  
*Customs and Excise.*  
*Deputy Minister of National Revenue,*

Ottawa, June 16, 1954.



**Customs Tariff—continued**

**24. Regulations under Item 709**

Series D No. 49

T.M.R. 1

Third Revision

REGULATIONS RE GOODS IMPORTED INTO CANADA,  
EXPORTED AND RE-IMPORTED

*Goods other than containers or coverings*

1. A certificate in the following form, duly completed, shall be placed on the face of the duty free import entry:—

"I hereby certify that the.....  
(description of goods)

included in this entry (are the produce or manufacture of Canada)  
(have been previously entered for consumption in Canada)

that they were exported in the month(s) of ....., 19.....,  
by.....as per copy of export entry or declaration  
(name of exporter)

attached hereto, that they are now returned to the undersigned without having been advanced in value or improved in condition by any process of manufacture or other means, or combined with any other article abroad, that they were not manufactured in bond or under excise regulations in Canada, and no exemption from nor refund or drawback of custom and excise duties and taxes has been granted except as follows.....

.....  
(place) (name of importer)

.....19.....  
(date) (signature)"

2. Where copies of export entries are not available, a declaration of the exporter of the goods from Canada or for the importer of the goods into Canada which clearly identifies the goods for which entry under Item 709 is claimed as having been produced or manufactured in Canada or as having been previously entered for consumption in Canada, may be accepted.

3. Where exemption from or refund or drawback of customs or excise duties or taxes has been granted at the time of the export of the goods from Canada, the amounts to be repaid shall be verified by reference to copies of the entries to the local Divisional Director of Excise Audit and the District Supervisor of Drawback Investigators.

*Containers or coverings not qualifying under the concluding paragraph of the Item*

4. Containers or coverings upon which duty has once been paid and which are to be exported and later returned to Canada, shall be branded, marked, have tag or seal attached, or have some other means of identification applied thereto by an officer of Customs, or under his direction, prior to export, unless such articles bear serial numbers or other adequate marks of identification moulded, etched, engraved, stamped or otherwise



Customs Tariff—continued

permanently placed thereon, and the examining officer shall keep a record of the identification marks of the articles at the time they are first exported from Canada.

5. Where containers or coverings are returned to the port of exportation, a statement showing the numbers and dates of the last export entries and the identification marks or numbers on the articles returned may be accepted in lieu of copies of export entries, the port copies of the export entries being available to check against the statement; in all other cases a copy or copies of the last export entry or entries shall be furnished with the import entry.

6. A certificate in the following form, duly completed, shall be placed on the face of the duty free import entry:—

“I hereby certify that the duty has once been paid in Canada on the ..... included in this entry, that they  
(type of container)  
were last exported in the month (s) of ..... 19....  
by ..... as per copy (copies) of export entry (entries)  
(name of exporter)  
or statement attached that they were recorded at the port of ....  
..... at the time of their exportation from Canada,  
(name of port)  
and that they are now returned to the undersigned without having been  
advanced in value or improved in condition by any process of manufacture  
or other means, or combined with any other article abroad.

.....  
(place) (name of importer)  
.....  
(date) (signature)

7. In addition a certificate in the following form duly completed, shall be placed on the face of the duty free import entry:—

“The ..... covered by this import entry  
(description of goods)  
were examined by me on .....19...., and I am satisfied  
that they are, in all particulars, as described on the export entry or entries  
or declaration and entitled to entry under Tariff Item 709.

.....”  
(Signature of Customs Officer)  
.....  
(name of port)  
.....19....  
(date)

Containers or coverings qualifying under the concluding paragraph of the Item

8. Used outside containers (which includes coverings) when imported filled or empty may be entered under this paragraph when a like quantity of similar containers, in a usable condition has, within five years, previously been exported from Canada, and the following conditions are complied with:—

- (a) They are exported from Canada under Customs supervision and are covered by an export entry showing the quantity, size and type of the different containers exported;

**Customs Tariff—continued**

- (b) A quantity not exceeding the number of each size and type of containers exported may be imported provided they are returned to the Canadian exporter; a certificate shall be placed on the face of the import entry certifying that no drawback or refund of duty paid on the exported containers or the materials used in their manufacture has been or will be claimed;
- (c) A satisfactory record is kept by the Collector showing complete details of all containers exported and imported;
- (d) The containers are entered whenever possible at the Customs port at which the export entry was made; when the containers cannot be entered at the port of record, the importer may apply in writing to the Collector for proof of export and the Collector when satisfied that a sufficient quantity of containers has been exported to cover the proposed import may furnish the importer with such proof; for this purpose Form C.6 Special may be issued in triplicate, one copy to remain with the records of the issuing port, one copy to be mailed to the port on which issued and one to be delivered to the importer; and
- (e) Form K36a may be considered as constituting an export entry for the purposes of this regulation in respect of containers of goods exported from Canada as ships' stores.

NOTE: This regulation refers to outside or shipping containers but does not include inner, first or retail containers. For example, beverage containers in a shipping case are not covered by the regulation although the shipping case would be. On the other hand, a glass carboy in a protective covering, removable or not, is considered an outside container.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, June 16, 1954.

**25. Travellers' Baggage**

Series D No. 49  
T.M.R. 3

The following regulations have been prescribed by the Minister of National Revenue pursuant to Tariff Item 703(b).

1. For the purposes of this Item, "baggage" means wearing apparel, articles of personal adornment, toilet articles and similar effects for the actual use and necessary and appropriate for the wear, use, comfort and convenience of the traveller, and such other articles as will normally be carried as baggage by a Canadian railway company; for administration purposes the baggage tariff of Canadian railway companies shall be taken as a guide.

2. All goods in respect of which exemption is claimed shall be declared in writing on Customs Declaration Form E.24, in duplicate, unless the total value upon which exemption is claimed does not exceed \$5.00.

3. The exemption granted shall be limited to goods actually accompanying a returning resident of Canada and brought as baggage at the time the exemption is claimed.

**Customs Tariff**—*continued*

4. A person who has been allowed exemption of less than \$100 on a previous occasion shall not be entitled to add to the amount of a subsequent exemption the difference between the amount previously allowed and full exemption.

5. Goods belonging to one person cannot be included in the exemption claimed by another.

6. Returning residents must state in their declaration in Canadian currency the price actually paid for all goods purchased abroad in respect of which exemption is claimed, and must state a fair market value for all goods obtained abroad other than by purchase, such as gifts; the purchase price will be acceptable as establishing the value for duty but all values stated may be subject to appraisal to arrive at the correct value for duty, and to facilitate appraisal, invoices or sales slips should be presented where possible.

7. If personal effects or goods taken abroad be advanced in value or improved in condition while abroad by reason of repairs or alterations further than that necessarily incidental to wear and use while abroad, the cost or value of such repairs or alterations is subject to duty; such cost or value may, however, be included within the \$100 exemption.

8. Where goods for which exemption is claimed have a combined value of over \$100, exemption is to be applied, where practicable, to the goods subject to the highest rates of duty.

9. Television sets of any type, and parts and picture tubes therefor are not permitted entry under Tariff Item 703(b).

10. All dutiable goods obtained abroad for which exemption cannot be allowed, must be entered at Customs and duty paid thereon in the ordinary course.

11. These regulations shall not be construed to be applicable to any goods the importation of which is prohibited, except as specifically provided for in Tariff Item 703(b).

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, August 30, 1954.

**26. Regulations *re* entry of goods under Tariff Item 442**

Series D No. 49

T.M.R. 14

Third Revision

*Regulations Respecting the Entry of Goods  
Pursuant to Tariff Item 442*

The following regulations respecting the entry of goods pursuant to Tariff Item 442 are established by the Minister of National Revenue under the authority of the said item:

1. Machinery and apparatus for use as plant equipment are not admissible under Tariff Item 442 unless they are to be used *exclusively* in the manufacture of goods listed in the Items specified in Tariff Item 442.



**Customs Tariff—continued**

2. When articles, including plant equipment, or materials are imported by a manufacturer of goods listed in the Items specified in Tariff Item 442 who is not engaged in other manufacturing or selling activities, a certificate in Form A hereto shall be completed on the covering entry.

3. Articles of plant equipment imported by a manufacturer specified in Tariff Item 442 who carries on other manufacturing operations and/or imports goods for resale, may be imported under Tariff Item 442 free of duty provided a certificate in Form A is completed.

4. Articles of plant equipment imported other than by a manufacturer specified in Tariff Item 442 may be entered under Tariff Item 442 only when a certificate in Form B hereto is completed on the covering entry.

5. Materials imported by a manufacturer specified in Tariff Item 442 who carries on other manufacturing operations and/or imports goods for resale may be admitted under Tariff Item 442 on completion of a certificate in Form C. hereto.

6. Materials imported other than by a manufacturer specified in Tariff Item 442 may be entered under Tariff Item 442 only when a certificate in Form D hereto is completed on the covering entry.

7. In all other cases, duty shall be paid at time of entry, subject to refund or drawback when the goods are sold for use in accordance with the provisions of Tariff Item 442; each refund claim must be accompanied by the appropriate certificate.

8. Drawback regulations, established by Order in Council P.C. 126/4317, of 18th October, 1946, authorize the payment of drawback of 100 per cent of the Customs duty paid on goods used in Canada in the manufacture of, or entering into the cost of articles and materials supplied to manufacturers of, agricultural implements or agricultural machinery or parts thereof, for use as specified in Tariff Item 442. (*See Memorandum Series D No. 17, DB-8.*)

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, August 8, 1954.

NOTE—Copies of the certificates contained in Forms A, B and C may be obtained on application to the Customs and Excise Division, Department of National Revenue, Ottawa.

**27. Regulation under Tariff Item 710(f)**

Series D No. 49  
T.M.R. 25

The following regulation is hereby prescribed under the authority of paragraph (f) of Tariff Item 710:

Refillable cylinders for liquefied gases that are not returned to the country of export are deemed not to be "coverings" as defined by paragraph (f) of Tariff Item 710, notwithstanding that they may be imported containing liquefied gases.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, November 2, 1954.



Customs Tariff—*continued***28. Importation of museum exhibits and antiques**

Series D No. 49

T.M.R.-6

(Second Revision)

The following regulations respecting the importation of museum and other exhibits and antique articles are hereby made and established pursuant to Item No. 693 of the Customs Tariff, in substitution for those dated November 29, 1950 and issued as Series D No. 49 T.M.R.-6 (Revised).

1. A certificate in Form A, duly completed by a responsible official of the institution concerned, covering articles entered duty free under paragraph (i) of Tariff Item 693, shall be made on both port and departmental copies of the Customs entry or on separate forms attached thereto.

2. The duty free entry of antique articles, as provided for in paragraphs (ii) and (iii) of Tariff Item 693, is subject to compliance with the following conditions:

- (a) The exporter shall certify on the face of the invoice, which is required in duplicate, in respect of paragraph (ii) of the Item, that the articles covered thereby are over one hundred years old, excepting such modern additions, replacements or other restoration, if any, as are specified therein;
- (b) The exporter shall certify on the face of the invoice, which is also required in duplicate, in respect of paragraph (iii) of the Item, that the articles covered thereby are genuine antiques produced prior to January 1, 1847, excepting such modern additions, replacements or other restoration, if any, as are specified therein;
- (c) The invoice may be accompanied by a certificate, in duplicate, to the same effect signed by the vendor or owner and certified by a responsible executive official of the national institution of the country of exportation responsible for the encouragement of applied arts, or, in lieu thereof, by a responsible executive official of an authentic association of dealers in antiques and works of art acceptable to the Minister, and the antiques, when so certified, shall bear the seal of such institution or association; and
- (d) In respect of antique articles which are not accompanied by a certificate as provided for in paragraph (c), such other proof of antiquity as is available may be forwarded to the Deputy Minister of National Revenue, Customs and Excise, Ottawa, for examination and decision as to whether the articles may be entered duty free under the Item.

*Qualification as Antiquities*

3. (1) The term "antiquities" includes all objects for the adornment of mankind and his dwelling and all objects of educational value and museum interest, if produced prior to January 1, 1847.

(2) The object must have been produced prior to January 1, 1847, and be substantially as originally made or produced, wear and tear excepted; a reasonable allowance may be made for legitimate repairs and restoration of damaged or missing parts, but not exceeding one-fifth of the whole, which shall not invalidate free entry of the antique portion of

**Customs Tariff—continued**

the object; modern additions, replacements or other restoration (on or since January 1, 1847) are subject to the usual rate of duty applicable to the object had it been entirely modern.

(3) Old copies of the works of earlier periods, if such copies were produced prior to January 1, 1847, are properly classed as antiquities; they include, for example, Italian Renaissance bronzes copied from classical models, 18th Century Chinese porcelains copied from mediaeval originals, and old school copies of pictures by the great masters.

4. The term "antiquities" does not include,

- (a) Antique articles which have been altered from their original form by *modern* additions, or by the introduction of old parts from other antiques in modern times, with the result that they are substantially different from what they were when originally made.

Examples:

Spinets which have been turned into dressing-tables;  
Chairs which have been extended and made into settees;  
Wardrobes converted into book-cases with glazed doors;  
Silver mugs made into water jugs.

- (b) Antique articles which exhibit *modern* added or altered enrichment or decoration.

Examples:

Plain furniture which has been carved or inlaid;  
Old silver which has been chased or engraved;  
Old porcelain with modern decorations;  
Boxes which have been re-enamelled;  
Old pictures which have been largely repainted;  
Old prints which have been coloured by hand;  
Old needlework, tapestries, and carpets which have been very considerably enlarged, reworked or painted.

- (c) Antique articles which through time and misuse have fallen into a dilapidated state and have had to be extensively restored.

Examples:

Old paintings and textiles;  
Painted or lacquered furniture;  
Old Sheffield plate which has been stripped and electro plated.

*Certification of Antiquities*

5. Certificates of the owner or vendor and of responsible executive officials, as provided for in paragraph (c) of section 2, shall be completed on Form B or C; these forms shall contain the description of each antique article, date of production, country of origin and the full invoice value thereof including modern restoration and additions, and shall also contain, as a separate item in respect of each such article, particulars of modern additions, replacements or other restoration, if any, viz., nature of restoration, and value and country of origin thereof.

*Sealing of Antiquities*

6. (1) Every object which is certified by the British Antique Dealers' Association, Limited, or the Art and Antique Dealers League of America, Inc., or other association accepted as authentic certifying authorities, as

**Customs Tariff**—*continued*

being over 100 years old in respect of paragraph (ii) of the Item, or as having been produced prior to January 1, 1847, in respect of paragraph (iii) of the Item, shall have the Association's seal attached; whenever practicable, this shall be done by affixing a transfer seal thereto.

(2) Objects such as tapestries, carpets and small bronzes or jewels, to which transfers cannot be applied, shall be marked by attaching a steel seal thereto.

(3) Pairs or sets manifestly all made at or about the same time, such as a porcelain service, a pair of silver candlesticks with the same hall mark, or a book of several volumes, are considered as one invoice item and require one seal only.

(4) Pairs or sets of articles which are materially different, such as a pair of silver candlesticks with different hall marks, a set of hangings of different patterns, or a set of chairs which includes modern replicas, are deemed to be separate articles and shall be separately sealed.

(5) Each piece of an object susceptible of reproduction or substitution shall bear a separate seal.

7. Associations accepted by the Minister as authentic certifying authorities for the purpose of paragraph (c) of section 2 are listed in the Appendix hereto, which may be added to, after due investigation, as occasion requires and as the Minister may direct.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, December 28, 1954.

*Note: Copies of the certificates contained in Forms A, B and C may be obtained on application to the Customs and Excise Division, Department of National Revenue, Ottawa.*

## APPENDIX

Associations accepted as authentic certifying authorities in respect of antiquities

1. The British Antique Dealers' Association, Limited,  
Bank Buildings,  
16 St. James Street,  
London, S.W. 1,  
ENGLAND.
2. Art and Antique Dealers League of America, Inc.,  
138 East 55th Street,  
New York 22, N.Y., U.S.A.
3. Syndicat National des Antiquaires, Négociants en Objets d'Art,  
Tableaux Anciens et Modernes,  
11 rue Jean-Mermoz (VIII°),  
Paris,  
FRANCE.
4. Chambre Syndicale des Editeurs d'Estampes et des Marchands  
d'Estampes et Dessins, Anciens et Modernes,  
117 Boulevard Saint-Germain,  
Paris,  
FRANCE.



**Customs Tariff**—*continued*

5. Chambre Syndicale des Beaux-Arts et de la Curiosité de Belgique,  
54 Boulevard de Waterloo,  
Bruxelles,  
BELGIUM.
6. Vereeniging van Handelaren in Oude Kunst in Nederland,  
Amsterdam,  
HOLLAND.
7. Association du Commerce d'Art de la Suisse.  
Bahnhofstrasse 39,  
Zurich,  
SWITZERLAND.

**29. Animals and Articles Imported for Exhibition or Competition**

Pursuant to Item 700 of the Customs Tariff and Order in Council P.C. 1954-1699 of 9th November 1954, the Minister of National Revenue is pleased, hereby, to make the following regulations respecting the entry for warehouse of animals and articles for exhibition or competition:

1. Animals and articles imported for exhibition or competition for prizes offered by any agricultural or other association, may be entered in a Class VII warehouse on Form B-18; horses for racing are not admissible on Form B-18 but are subject to duty as provided in the Customs Tariff.

2. Security in respect of such importations shall be a bond to Her Majesty the Queen on Form B-18 or that of an acceptable guarantee company in Form D.10, for an amount equal to the duty and taxes otherwise payable.

3. Form B-18 shall be accompanied by a certificate on Form E-9, signed by the president, secretary or other responsible official of the association sponsoring the exhibition.

4. Entry in a Class VII warehouse shall be made at the Customs port at or nearest the place where the exhibition is to be held, and shall be conditional upon exportation of the animals or articles under Customs supervision within three months of being warehoused.

5. Animals and articles permitted to be brought forward from the frontier in a sealed highway vehicle under manifest Form A8A may be exported in like manner.

6. Animals and articles sold or otherwise disposed of in Canada shall immediately be entered ex-warehouse on payment of duty and taxes applicable, on production to the Collector of a statement signed by both parties to the sale showing the actual sale price; where they are purchased for export from Canada payment of duty is not required provided that they are exported under Customs supervision within three months of the date of being warehoused.

7. Animals and articles may be entered ex-warehouse for removal by bonded carrier to a Class VII warehouse at another port, on production to the Collector of a copy of the manifest signed by the bonded carrier or



**Customs Tariff—concluded**

his agent; provided that the removal entry shall show the number and date of the original warehouse entry and particulars of the bond, and provided, further, that exportation shall be effected within three months of the date of original entry for warehouse; the removal entry will cancel the Form B-18 and bond at the first port and will in turn be cancelled, together with the manifest, by the new Form B-18 and bond completed at the next port where the animals and articles are to be exhibited.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, January 4, 1955.

See Customs Warehousing Regulations, page 758.

**DEBTS DUE THE CROWN ACT. (1926-27, c. 51)****Seed Grain Regulations**

P.C. 1954-907

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of June, 1954

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to chapter 51 of the Statutes of 1927, an Act respecting certain debts due the Crown, is pleased to order as follows:

1. The Seed Grain Regulations, established by Order in Council P.C. 1953-192 of 13th February, 1953, are hereby revoked; and
2. The annexed "Regulations for the apportionment and adjustment of seed grain, fodder and other relief indebtedness to Her Majesty" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE APPORTIONMENT AND ADJUSTMENT OF SEED GRAIN,  
FODDER AND OTHER RELIEF INDEBTEDNESS TO HER MAJESTY

1. These regulations may be cited as the *Seed Grain Regulations*.
2. In these regulations, "Minister" means the "Minister of Northern Affairs and National Resources".
3. There shall be a Seed Grain Advisory Board for each of the Provinces of Manitoba, Saskatchewan and Alberta.
4. Each Board shall consist of two members, one member representing Canada and one member representing the province concerned.
5. Each Board is authorized,
  - (a) to investigate the value of the land or lands held in a province as security for the repayment of advances for seed grain, fodder and other relief by Her Majesty in that province,

**Debts Due The Crown Act—concluded**

- (b) to investigate the interests of any other person which may be affected by the registration of any lien or bond, held as security by Her Majesty,
- (c) to prepare reports for the Minister in each individual case setting forth the full facts of the situation, and
- (d) to make a recommendation to the Minister for the apportionment and adjustment of the indebtedness.

6. In cases where the province has no interest in the indebtedness secured by any liens or otherwise, the member representing Canada or any person authorized to sit in the place and stead of that member may make the recommendation to the Minister.

7. The Minister upon receipt of a report and recommendation may make such apportionment and adjustment of the indebtedness incurred for seed grain, fodder and other relief as to him may seem proper in the circumstances.

8. The Minister or any person authorized by him may sign a certificate of release or discharge of any lien for seed grain, fodder or other relief in favour of the Crown in the right of Canada when the monies owing on the said liens have been paid or the lien has been released or discharged.

**DEEP SEA FISHERIES ACT. (R.S.C., 1952, c. 61)**

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**1. Fishing Bounty Regulations**

P.C. 1954-1799

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 7 of the Deep Sea Fisheries Act, is pleased to order as follows:

- 1. The Fishing Bounty Regulations, established by Order in Council P.C. 5366 of 31st December 1947, as amended, are hereby revoked; and
- 2. The annexed "Fishing Bounty Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**Deep Sea Fisheries Act—concluded**

## FISHING BOUNTY REGULATIONS

1. These regulations may be cited as the *Fishing Bounty Regulations*.
2. British subjects who have been engaged in deep-sea fishing in Canadian vessels or boats for at least three months, and have caught not less than two thousand five hundred pounds of sea fish, shall be entitled to a bounty, but no bounty shall be paid on shell-fish, salmon, shad or fish taken in rivers or mouths of rivers, except that fishermen engaging in the lobster fishery who, during such fishery, catch herring or deep sea fish other than salmon or shad, may count the time spent in such combined fishing and the deep-sea fishing, other than salmon or shad caught by them; and no bounty shall be paid to men fishing in boats measuring less than twelve feet along the keel, and not more than three men, the owner included, may be allowed as claimants in boats under twenty feet.
3. No bounty shall be paid upon fish caught in trap-net, pound-nets and weirs, nor upon the fish caught in gill-nets fished by persons who are pursuing other occupations than fishing, and who devote only an hour or two daily to fishing these nets, but are not, as fishermen, steadily engaged in fishing.
4. One claim only will be allowed in each season, even though the claimant may have fished in two vessels, or in a vessel and a boat or in two boats.
5. The owners of boats measuring not less than twelve feet along the keel, whether propelled by oars, sails or other motive power, that have been engaged during a period of not less than three months in deep-sea fishing for fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty on each such boat.
6. Canadian registered vessels, owned and fitted out in Canada, of ten tons and over, self propelled, which have been exclusively engaged during a period of not less than three months in catching of sea fish other than shellfish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty calculated on the registered tonnage to a maximum of eighty tons, which shall be paid to the owner or owners; provided that whether the ownership of such vessel be changed or not during the fishing season, the said bounty shall be paid once only during each season in respect of a claim for the first three months fishing; moreover, if such vessel be under charter the charterer shall, unless otherwise determined by the charter party or other written contract made between the owner and charterers, be deemed to be the owner for the purposes of these regulations.
7. Owners or masters of vessels intending to fish and claim bounty on their vessels shall, before proceeding on a fishing voyage, procure a licence from the nearest Collector of Customs or Fishery Officer, the said licence to be attached to the claim when submitted for payment.



**Deep Sea Fisheries Act—concluded**

8. (1) The date when a vessel's fishing operations shall be deemed to have begun shall be the day upon which it sails from port on its fishing voyage, after the licence has been procured, and the date upon which its fishing season shall end shall be the day upon which it arrives in port from its last fishing voyage prior to the end of December.

(2) The three months during which a vessel shall have been engaged in fishing, to be entitled to the bounty, shall not include such period as it may have been lying in port; provided that not more than three days may be permitted for sale, transfer or discharge of its cargo of fish and refitting.

9. Dates and localities of fishing shall be stated in the claim as well as the quantity and kinds of sea fish caught.

10. The ages of men shall be given; boys under fourteen years of age are not eligible as claimants.

11. Claims shall be made under oath and shall be true and correct in all their particulars.

12. Claims shall be filed on or before the 31st day of December in each year.

13. Officers authorized to receive claims will supply the requisite blanks free of charge, and after certifying the same shall transmit them to the Department of Fisheries.

14. Any person making a return that is false or fraudulent in any particular may be debarred from any further participation in the bounty and is also liable to prosecution.

15. The amount of the bounty to be paid to fishermen and owners of boats and vessels shall be fixed from time to time by the Governor in Council.

**2. Distribution of Bounty**

Orders authorizing payment of the bounty payable under the Act to owners of fishing vessels and fishermen and the amount thereof are made annually by the Governor in Council and published in Part II of the *Canada Gazette* when made. Payment of the 1953-54 grant was authorized by Order in Council P.C. 1954-373 of 19th March, 1954, published in No. 7 (Wednesday, April 14, 1954), page 213.

**DEFENCE PRODUCTION ACT. (R.S.C., 1952, c. 62)**

No regulations under this statute were in effect on December 31, 1954.



**DEFENCE SERVICES PENSION ACT. (R.S.C., 1952, c. 63)**

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**1. Regulations, Defence Services Pension Act, Part V**

P.C. 1954-1912

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the Defence Services Pension Act, is pleased to order as follows:

1. The Regulations, Defence Services Pension Act, Part V, established by Order in Council P.C. 4449 of 29th September, 1950, as amended, are hereby revoked; and

2. The annexed "Regulations, Defence Services Pension Act, Part V" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS, DEFENCE SERVICES PENSION ACT, PART V***Application*

1. These regulations are applicable only to Part V of the Defence Services Pension Act.

*Interpretation*

2. In these regulations,

(a) "Act" means the Defence Services Pension Act;

(b) "Part V" means Part V of the Act;

(c) "Parts I-IV" means Parts I to IV of the Act; and

(d) any term or expression defined in Part V of the Act shall have the same meaning in these regulations.

**Defence Services Pension Act—continued**

*Rates of Allowances*

3. The rates of allowances which shall constitute part of Pay and Allowances for purposes of this Part shall be the following monthly rates:

When the contributor is an officer or man holding the following rank:

	<i>Not in Receipt of Marriage Allowance</i>	<i>In Receipt of Marriage Allowance</i>
Rear-Admiral.....	\$172.00	\$212.00
Major-General.....		
Air Vice Marshal.....		
Commodore.....	160.00	200.00
Brigadier.....		
Air Commodore.....		
Captain.....	146.00	186.00
Colonel.....		
Group Captain.....		
Commander.....	133.00	173.00
Lieutenant-Colonel.....		
Wing Commander.....		
Lieutenant-Commander.....	120.00	160.00
Major.....		
Squadron Leader.....		
Lieutenant.....	101.00	157.00
Captain.....		
Flight Lieutenant.....		
Sub-Lieutenant.....	96.00	157.00
Lieutenant.....		
Flying Officer.....		
Acting Sub-Lieutenant and Naval Cadet.....	72.00	138.00
Second Lieutenant and Officer Cadet.....		
Pilot Officer and Flight Cadet.....		
Midshipman.....	68.00	138.00
Commissioned Officer (RCN).....	101.00	157.00
Chief Petty Officer 1st Class.....	99.00	139.00
Warrant Officer Class 1 (Army and Air Force).....		
Chief Petty Officer 2nd Class.....	96.00	136.00
Warrant Officer Class 2 (Army and Air Force).....		
Petty Officer 1st Class.....	96.00	136.00
Staff Sergeant.....		
Flight Sergeant.....		
Petty Officer 2nd Class.....	87.00	136.00
Sergeant.....		
Leading Seaman, Corporal and Ranks below.....	76.00	136.00

*Contributions*

4. Contributions by way of reservations from pay and allowances shall commence from the date on which a person becomes subject to Part V.

5. A person who makes contributions under Part V and is subsequently found not to be eligible to be a contributor under that part, shall have all such contributions repaid to him without interest.

**Defence Services Pension Act—continued***Arrears of Contributions*

6. For the purpose of computing interest on arrears of contributions pursuant to section 48 of the Act the total pay and allowances received by a contributor during any fiscal year shall be deemed to have been received on the first of October of that fiscal year.

7. The total amount of arrears of contribution payable pursuant to section 48 and section 56 of the Act may be paid in instalments of equivalent value, computed on the basis of the Canadian Life Table No. 2 (1941), Males or Females as the case may be, and interest at the rate of four per centum per annum.

8. (1) A contributor in respect of whom a periodic scheme of payment of arrears of contributions is in effect may at any time elect to settle such arrears by a single payment or arrange to pay the arrears by payments over a shorter period.

(2) Where the amount of arrears of contributions, as verified by the service authorities, is greater than the amount set out in the provisional computation submitted by a contributor who has elected to pay his arrears of contributions by a periodic scheme of payment, he may further elect, but only once, to pay the arrears by payments over a longer period in either of the following cases:—

- (a) where his further election is made prior to his acknowledging as correct the amount of arrears as verified by the service authorities; or
- (b) where he, prior to 1 September 1950, acknowledged as correct the amount of arrears as verified by the service authorities.

9. The amount of contributions made by a contributor under any other Part of the Act, the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act (other than Part IV thereof), shall be transferred to the Permanent Service Pension Account and shall be the contribution required under Part V in respect of the period of service for which the contributions were made, provided a withdrawal allowance, gratuity, or other benefit has not been paid in respect of that period of service.

10. A contributor who had service for which he made contributions under any Part of the Act, the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act, (other than Part IV thereof) and has been paid a benefit, in respect of that service, equal only to the amount of his total contributions may elect to count that service for which he made contributions for the purposes of Part V to the same extent, on the same conditions, and upon payment of the same contributions in the same manner as though he had not previously made any contributions.

11. (1) A contributor who had service for which he made contributions under any Part of the Act, the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act (other than Part IV thereof) and in respect of that service has been paid a gratuity, equal to one month's pay and allowances for each year of service, may elect to count the whole or any part of such service for the purposes of Part V.

(2) In the event a contributor elects to count the whole period of service mentioned in subsection (1), the contribution shall be an amount



**Defence Services Pension Act—continued**

equal to the amount of the gratuity received by the contributor together with simple interest at four per centum per annum from the date of payment of the gratuity to the date of election to count that period of service.

(3) In the event a contributor elects to count a part of the period of service mentioned in subsection (1), the contribution shall be that proportion of the total gratuity and interest of which the part elected is of the whole of the service.

(4) The amount of the contributions required under this section may be made in one lump sum or in instalments of equivalent value computed on the basis prescribed in section 7.

12. A contributor who immediately prior to becoming a contributor under Part V had service in the forces as an officer appointed temporarily or under a commission for a fixed term, may have such service counted as service in the forces for the purposes of Part V only if

- (a) the amount of deferred pay at the rate of six per centum of the pay and of the allowances prescribed in section 3 withheld in accordance with the appropriate Pay and Allowance Regulations are transferred to the Permanent Services Pension Account as contributions for such service and if
- (b) the amount of any gratuity paid in respect of such service under Pay and Allowance Regulations is refunded by the contributor.

13. (1) A contributor other than a contributor to whom section 12 applies who prior to becoming a contributor under Part V had service in the forces as an officer appointed temporarily or under a commission for a fixed term and who on termination of such service was paid under the appropriate Pay and Allowance Regulations an amount equal to the amount of the deferred pay deducted or a gratuity or both, may have such service counted as service in the forces for the purposes of Part V only if

- (a) the contributor pays to the Permanent Service Pension Account the amount of deferred pay previously refunded to him, together with simple interest at four per centum per annum for the period from the date of refund of such deferred pay to the date of his election to count such service under subsection (4) of section 56 of the Act; and
- (b) the amount of any gratuity paid under the provisions of Pay and Allowance Regulations is refunded to the Consolidated Revenue Fund, together with simple interest at four per centum per annum for the period from the date of payment to the date of election to count such service under the provisions of subsection (4) of section 56 of the Act.

(2) The payment required under subsection (1) may be made in one lump sum or in instalments of equivalent value as provided in section 7.

14. A contributor who pursuant to subsection (1) of section 48 of the Act elects to contribute for prior service in the forces of Her Majesty other than those raised in Canada as described in subparagraph (iii) of paragraph (i) of subsection (1) of section 45 of the Act shall for the purposes of Part V be deemed to have received pay for the rank or ranks held by him during his said service at the rates for the equivalent rank or ranks prescribed by the relevant Canadian regulations in effect at the date of



**Defence Services Pension Act—continued**

his election and shall be deemed to have received allowances at the rates set out in section 3 for the equivalent rank or ranks held by him during such service.

15. A contributor who pursuant to subsection (1) of section 48 of the Act elects to contribute in respect of service as described in subparagraphs (i) and (ii) of paragraph (i) of subsection (1) of section 45 of the Act shall for the purposes of this Part have his contributions, interest, pension and gratuity computed on the following emoluments:—

- (a) in respect of time served in the Civil Service, subject to section 20, the same emoluments as those on which contributions would have been required to be made under the Civil Service Superannuation Act;
- (b) in respect of time served in the Royal Canadian Mounted Police, the same emoluments as those on which pension under the Royal Canadian Mounted Police Act would have been calculated had the contributor by reason of his service in the Royal Canadian Mounted Police, become eligible for a pension under the Royal Canadian Mounted Police Act;
- (c) in respect of time served on active service in the naval, army or air forces of Her Majesty raised in Canada during time of war the following and no other active service rates of pay and allowances:—
  - (i) in the case of service with the naval forces, pay of rank or rating, command money, specialist pay, non-substantive pay, staff pay and marriage and dependents' allowances for wives and dependent children and subsistence allowance at standard rates payable in respect of service in Canada whether or not such last mentioned allowance was in fact paid;
  - (ii) in the case of service with the army, pay of rank, classified rates of pay, consolidated pay, command pay, trades pay, additional pay while extra regimentally employed and marriage and dependents' allowances for wives and dependent children and subsistence allowance at standard rates payable in respect of service in Canada whether or not such last mentioned allowance was in fact paid; and
  - (iii) in the case of service with the air force, either, consolidated pay, classified rates of pay or pay of rank and group (excluding the difference between General List and Non-Flying List rates of pay, when General List rates of pay were in issue) and command pay and headquarters pay and marriage and dependents' allowances for wives and dependent children and subsistence allowance at standard rates payable in respect of service in Canada whether or not such last mentioned allowance was in fact paid.

16. (1) A contributor who pursuant to subsection (1) of section 48 of the Act elects to contribute for prior non-contributory service as described in subparagraph (iv) of paragraph (i) of subsection (1) of section 45 of the Act shall for the purposes of Part V be deemed to have received pay on a full-time basis for the rank from time to time held by him during the said service at the relative basic rates in effect in the forces for that rank at the date of his election and shall be deemed to have received allowances at the relative rates for the rank as set out in section 3.

**Defence Services Pension Act—continued**

(2) The contribution required for such service shall be one-fourth of the contribution which would have been required if the whole of such service might be counted.

17. (1) A contributor who had officer status under Parts I to IV at the date of his election to become a contributor under Part V and who pursuant to subparagraph (v) of paragraph (i) of subsection (1) of section 45 of the Act had service which may be counted as service under any other Part of the Act must at the date of retirement have fulfilled the conditions required under paragraph (e) of section 7 or subparagraph (ii) of paragraph (e) of section 36 or subparagraph (iii) of paragraph (d) of section 40 of the Act as applicable, in order that such service may be counted as half-time.

(2) A contributor who elects to count service as described in subsection (1) shall contribute for such service on the basis that it may count as half-time rather than one-quarter time in anticipation of his fulfilment of the conditions described in subsection (1).

(3) In the event that at date of retirement a contributor has not fulfilled the conditions of subsection (1) of this section he shall be entitled to a refund of contributions equal to the difference between the amount he contributed and the amount he should have contributed were such service to count as one-quarter time.

(4) This section applies to every contributor who at any time elected to become a contributor under Part V on or before 31 December 1950 notwithstanding that his election may have been made prior to the coming into force of this section.

18. A contributor who pursuant to subsection (1) of section 48 of the Act elects to contribute for prior service as described in subparagraph (v) of paragraph (i) of subsection (1) of section 45 of the Act shall for the purposes of Part V have his contributions and interest computed on the following pay and allowances:—

(a) in respect of services referred to in paragraph (e) of section 7, subparagraph (ii) of paragraph (e) of section 36 and subparagraph (iii) of paragraph (d) of section 40 of the Act:—

- (i) the pay for the rank from time to time held by him during such services at the relevant basic rates in effect for that rank in the forces at the date of his election together with allowances at said rates during the whole of such service,
- (ii) the contribution required for one-half of such service shall be one-half of the contribution which would be required if the whole of such service might be counted and the contribution required for any part of such service less than one-half thereof, shall be that proportion of the said contribution for the said one-half which the said part is of the said one-half.

(b) in respect of service in the 'force' or 'forces' as said expressions are defined in Parts I, II and III, such of the pay, and allowances in money or in kind as were paid to or on behalf of the contributor during his said service upon which pension would have been calculated had he become eligible for a pension under Parts I, II or III.

(c) in respect of the service referred to in paragraph (f) of section 7, and paragraph (f) of subsection (3) of section 13 of the Act, the pay and allowances payable to or on behalf of the contributor for such service.

**Defence Services Pension Act—continued**

19. A contributor who had service in the forces as mentioned in subsection (2) of section 56 of the Act shall for the purposes of Part V have his pension contributions for that service calculated on the pay and allowances which were payable in money or in kind to or on behalf of the contributor during such service and upon which pension would have been calculated had he become eligible for a pension under Parts I, II or III.

20. The contribution required for the period during which a contributor under the Civil Service Superannuation Act was absent on leave from the Civil Service on active or full-time service in Her Majesty's forces shall be computed on the pay and allowances payable to the contributor during the period of such service.

*Leave of Absence*

21(1) A duly authorized period of absence on leave without pay and allowances shall be counted as a period of service for computing the length of the contributor's service on which pension or gratuity will be based, if the contributor pays or elects to pay contributions for such period of absence at the rates prescribed by section 47 of the Act.

(2) For the purpose of computing contributions under this section, the contributor shall be deemed to have been in receipt of pay and allowances during the said period of absence at the same rate as that which was prescribed for the rank or appointment held by him at the time of proceeding on absence with leave, except that, if during such period of absence his rate of pay and allowances is increased or decreased for any reason then such rate as from the date it became effective, shall be deemed to be the pay and allowances of which he was in receipt.

(3) Contributions under this section shall be paid monthly during such period of absence to the Receiver General of Canada through the Minister of National Defence or in such manner as the Governor in Council on the recommendation of the Treasury Board may prescribe.

22. A member of the forces under Part V, granted a period of absence on leave without pay and allowances subsequent to 1 June, 1944, for the purpose of further extending his education, notwithstanding that such period occurred or commenced prior to the coming into force of this section, may, if he so elects within three months from the date of the termination of such period or prior to 31 December, 1950, whichever is the later, count the whole or any part of that period but in any such case the accumulated arrears of contributions for that period shall be liquidated over a period which does not exceed the period of absence.

23. (1) A continuous period of absence without leave, in a state of desertion, in civil custody, while undergoing punishment of cells, detention or imprisonment, or any continuous combination of such periods, excluding time awaiting trial, exceeding sixty clear days shall not be counted as service under Part V, and contributions shall not be deducted for such periods.

(2) A period of absence without leave, in a state of desertion, in civil custody while undergoing punishment of cells, detention, or imprisonment, or any continuous combination of such periods, excluding time awaiting trial, of sixty clear days or less shall count as service under Part V.

(3) A contributor to whom subsection (2) is applicable shall for the purpose of making contributions and of computing a pension or gratuity,



**Defence Services Pension Act—continued**

be deemed to have been in receipt of pay and allowances during the periods referred to in subsection (2), including time awaiting trial, at the same rate as that which was prescribed for the rank or appointment held by him immediately prior to the commencement of the said period except that if during such periods his rate of pay and allowances is increased or decreased for any reason then such rate as from the date it became effective shall be deemed to be the pay and allowances of which he was in receipt.

24. A contributor who has been absent on leave without pay and allowances shall for the purpose of computing a pension or gratuity, be deemed to have been in receipt of pay and allowances during the said period of absence at the same rate as that which was prescribed for the rank or appointment held by him at the time of proceeding on absence with leave, except that,

- (a) if during such period of absence his rate of pay and allowances is increased or decreased for any reason then such rate as from the date it became effective shall be deemed to be the pay and allowances of which he was in receipt, and
- (b) any such contributor shall be deemed to have been in receipt of pay and allowances during any such period of leave of absence only to the extent that he has paid or elected to pay contributions in respect of such period.

*Payment of Pensions and Gratuities*

25. (1) A requisition for payment of a pension or gratuity to a contributor shall be substantiated by the following annexures:—

- (a) a schedule incorporating
  - (i) the authority for retirement under the appropriate regulations;
  - (ii) a statement from the senior personnel officer of the service concerned disclosing the actual reasons leading to and culminating in release;
  - (iii) the authority for payment of the benefit;
  - (iv) the amount of the payment and the deductions for pension contributions which are to be made therefrom where applicable;
- (b) proof of date of birth in all instances where the payment recommended is other than an amount equal to the amount contributed;
- (c) any other document which may be required by the Service Pension Board or other officials who are required to complete a certificate of the nature mentioned in section 58 of the Act.

(2) A requisition for payment of a pension or gratuity to the widow, children or dependents of a contributor shall be substantiated by the following annexures:

- (a) proof of death of the contributor;
- (b) marriage certificate of the contributor;
- (c) birth certificate of the contributor, widow, and children;
- (d) any other document which may be required by the Service Pension Board or other officials who are required to complete a certificate of the nature mentioned in section 58 of the Act.



**Defence Services Pension Act—continued**

26. For the purposes of computing pensions or gratuities total combined service will be reckoned as follows:—

- (a) each complete calendar month shall count as one month;
- (b) days served during broken period of calendar months shall be totalled and each thirty days thereof shall be counted as one month and any remaining days amounting to fifteen days or more shall be counted as one additional month whereas a period of less than fifteen days shall not be counted.

27. A pension to the widow or child of a deceased contributor shall be payable from the day following the death of the contributor.

28. A pension or gratuity to the children of a contributor shall be paid, for the exclusive benefit of the children, to the widow of the contributor or to the legal guardian if one has been appointed or to such other person as may be legally entitled to receive moneys in trust for the exclusive benefit of the children.

29. (1) If a contributor marries after the coming into force of this Part and if his age exceeds the age of his wife by twenty years or upwards, the pension to such wife under this Part shall be reduced in the proportion that the value of a life annuity as at an age twenty years less than the age of the contributor at the time of his death is of the value of an equal life annuity as at the then actual age of the wife.

(2) For the purposes of this section the values of life annuities shall be computed on the basis of the Canadian Life Table No. 2(1941), Females, and interest at the rate of four per centum per annum.

30. (1) A pension shall be payable in full for the month in which the death of the pensioner occurs.

(2) Payment of a pension to a widow who re-marries shall cease as of the day of such re-marriage.

(3) Payment of a pension to a child shall cease as of the date on which the child attains the age of eighteen years.

*Permanent Services Pension Account*

31. (1) There shall be credited to the Permanent Services Pension Account:

- (a) all contributions made by the contributors under Part V;
- (b) interest at the rate of four per centum per annum on the monthly balance to the credit of the account;
- (c) the contribution made by the Government;
- (d) all amounts transferred thereto under sections 9 and 12 hereof.

(2) There shall be charged to the Permanent Services Pension Account:

- (e) all payments of benefits under Part V;
- (f) all amounts of contributions refunded pursuant to section 5.

*Debit Balance*

32. For the purposes of section 68 of the Act a debit balance in the pay account of a former member of the forces shall be recovered as follows:

- (a) in the case of a gratuity a debit balance shall be recovered in a lump sum;

**Defence Services Pension Act—continued**

- (b) where a pension is in payment, a debit balance shall be recovered by monthly instalments in an amount equal to ten per centum of the net pension but in any such case the pensioner may make payment which will liquidate the debit at a date earlier than that which would have occurred had the recovery been made at the rate of ten per centum per month.

**2. Defence Services Pension (Succession Duty) Regulations**

P.C. 1955-91

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Defence and pursuant to the Defence Services Pension Act, is pleased to make the annexed "Defence Services Pension (Succession Duty) Regulations", and they are hereby made and established, accordingly.

SUCCESSION DUTY REGULATIONS PURSUANT TO  
THE DEFENCE SERVICES PENSION ACT

1. These regulations may be cited as the *Defence Services Pension (Succession Duty) Regulations*.

2. In these regulations,

- (a) "Act" means the Defence Services Pension Act;
- (b) "a(f) Ultimate" Table means the table so entitled appearing in "the Mortality of Annuitants 1900-1920" published on behalf of the Institute of Actuaries and The Faculty of Actuaries in Scotland, 1924;
- (c) "Minister" means the Minister of National Defence; and
- (d) "pension" means an annual pension payable under the Act to a widow or child and includes a compassionate allowance payable to a child.

3. For the purposes of these regulations where, under the Act, a pension is payable to a child, the widow of the person in respect of whom that pension is payable to that child is presumed, *prima facie*, to be the guardian of that child.

4. Where upon the death of any person in respect of whom any pension becomes payable under Parts I to III or Part V of the Act to a successor, application in writing may be made, by or on behalf of the successor, to the Minister for payment out of the Consolidated Revenue Fund or the Permanent Services Pension Account in the Consolidated Revenue Fund of the whole or any part of the portion of the succession duties payable by that successor which is attributable to that pension, and where the Minister directs, in accordance with the application that the whole or any part of the portion of the succession duties so payable be paid out of the Consoli-

**Defence Services Pension Act—concluded**

dated Revenue Fund or the Permanent Services Pension Account in the Consolidated Revenue Fund, as the case may be, the maximum portion of the succession duties that may be so paid is the proportion which

(a) the value of the pension payable to the successor is of

(b) the value of the whole estate calculated for the purposes of determining the succession duties payable in respect thereof.

5. Where the Minister makes a direction in accordance with section 4, the pension shall be reduced either for a term, requested by the successor in the application made under section 4, or during the entire period for which the pension is payable, if the successor fails to make a request in the application under section 4 that the pension be reduced for a term, by one-twelfth of an amount determined by dividing the amount of the succession duties to be paid out of the Consolidated Revenue Fund or the Permanent Services Pension Account in the Consolidated Revenue Fund, as the case may be, by the value of annuity of one dollar per annum, payable monthly to a person of the age of the successor at the date of payment of the succession duties out of the Consolidated Revenue Fund or the Permanent Services Pension Account in the Consolidated Revenue Fund, as the case may be, calculated

(a) in the case of a pension payable to the widow of the person in respect of whose death the pension is payable, in accordance with *a(f)* Ultimate Table with interest at the rate of four per cent per annum, and

(b) in the case of a pension payable to a child of the person in respect of whose death the pension is payable at an interest rate of four per cent per annum and mortality shall not be taken into account.

**DEPARTMENT OF EXTERNAL AFFAIRS ACT. (R.S.C. 1952, c. 68)****Tariff of Canadian Consular Fees**

P.C. 1954-1907

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External Affairs and pursuant to the Department of External Affairs Act, is pleased hereby, to revoke Order in Council P.C. 5315 of 25th October, 1949, relating to Canadian consular fees and, in substitution therefor, to order as follows:

1. Canadian consular officers and officers performing consular functions shall charge the fees set forth in the Tariff annexed hereto.

2. The officer rendering the service may waive the fees, where he considers such waiver to be in order on the grounds of

(a) destitution of a person to whom the service is rendered, or

**Department of External Affairs Act—continued**

(b) international courtesy,  
and on such other grounds as may be specified by the Secretary of State  
for External Affairs.

3. All fees collected shall be the property of Her Majesty the Queen  
in right of Canada.

4. The Secretary of State for External Affairs is authorized to institute  
a system of consular fee stamps for the purpose of collecting the fees  
authorized herein.

**TARIFF OF CANADIAN CONSULAR FEES  
PASSPORT AND VISA SERVICES**

1. Issue of a passport .....	\$ 5.00
<i>Exceptions</i>	
(a) Diplomatic and Official Passports .....	No fee
(b) Passports issued to Canadian citizens to replace British subject type Canadian passports issued prior to January 1, 1947. Validity not to exceed that for which replaced passport was capable of being renewed	2.00
(c) Passports issued to Canadian citizens to replace Newfoundland passports. Validity not to exceed that of passports being replaced .....	No fee
(d) Passports issued to Canadian citizens to replace expired Newfoundland passports. Validity not to exceed that for which passport being replaced could have been renewed .....	2.00
2. Amendment or endorsement of a Canadian Passport ...	.50
<i>Exception</i>	
Diplomatic and Official passports .....	No fee
3. Renewal of Passport .....	2.00
<i>Exceptions</i>	
(a) Diplomatic and Official Passports .....	No fee
(b) Renewal of British Subject Passports under circum- stances of urgency to enable the holder to complete an immediate journey .....	No fee
4. Issue of Certificate of Identity .....	5.00
5. Renewal of Certificate of Identity .....	2.00
6. Issue of Emergency Certificate .....	2.00
7. Non-immigrant visa of a passport or other document (other than a transit visa or a visa issued gratis in accordance with an agreement respecting visas) valid for one year or any lesser period .....	2.00
8. Visa of a passport or other document for transit only ..	No fee
9. Visa of passport or other document for immigration pur- poses only .....	No fee
10. Preparation and completion of affidavit in lieu of a travel document .....	5.00



**Department of External Affairs Act—continued**

11. Visa granted to any British subject who is not required by the law of Canada to obtain a visa ..... No fee

12-20—Spares

**NOTARIAL SERVICES**

21. For administering an oath or receiving a declaration or affirmation with or without attestation or signature (except oaths taken under Canadian Citizenship Act) ..... 1.00
22. For each consular signature attached to an exhibit referred to in an affidavit declaration or affirmation ..... 1.00
23. For each alteration or interlineation initialled by a consular officer in any document not prepared by him ..... .25
24. For each execution of a Power of Attorney attested by a consular officer ..... 2.50
25. Ditto, when two or more persons execute a Power of Attorney at the same time ..... 5.00
26. For each execution of a deed, bond, or conveyance, under seal, attested by a consular officer where the value of the property in question does not exceed \$50.00 .. .75
27. Ditto, exceeding \$50.00 ..... 1.50
28. Ditto, when two or more persons execute an instrument at the same time, the fee shall not exceed: Value \$50.00 or less ..... 1.50
29. Ditto, value over \$50.00 ..... 3.00
30. For attaching consular signature and seal, if required, to declarations for purposes of Canadian Government pay, half-pay, pension or allowance ..... No fee
31. For attaching consular signature to any declaration of existence in cases not covered by Item 30 ..... .50
32. Ditto, if drawn up by a consular officer ..... 1.50
33. For attesting the signature and/or seal of a foreign authority ..... 2.50
34. For attesting any signature on a document not otherwise provided for ..... 1.00

35-50—Spares

**MISCELLANEOUS SERVICES**

51. For registration of a birth ..... No fee
- 52-53—Spares
54. For each search in the Register Book of Births of the Consulate ..... .50
55. For furnishing a certified copy of an entry in the Register Book of Births ..... 1.00

**Department of External Affairs Act—concluded**

56. Spare	
57. For certifying to a copy of any document or part of a document if not exceeding 100 words .....	1.75
58. If exceeding 100 words, for every additional 100 words or fraction thereof .....	.75
59. Issue or attestation of certificate of origin or other document in support of consignment of goods; irrespective of number of copies and for filing copy .....	No fee
60. For issue of <i>in transitu</i> certificate .....	1.00
61-70—Spares	
71. For granting any certificate not otherwise provided for, if not exceeding 100 words .....	3.00
72. If exceeding 100 words, for every additional 100 words or fraction thereof .....	1.50
73. For making or verifying a translation of a document if under 100 words .....	1.00
74. Ditto, if over 100 words for each 100 words or fraction thereof .....	1.00
75. For letter to foreign authorities requesting assistance in obtaining a visa, exit permit, or similar document or service (may be waived for Canadian citizens at discretion of Post)* .....	.50
76. For affixing the consular seal where no other fee is authorized .....	1.00
77-78—Spares	
79. Additional fee for all services rendered elsewhere than at the consular office at the request of the interested parties	
for each hour or fraction thereof .....	3.00
with a maximum per day of .....	15.00
80. For recording unofficial documents in consulates upon request, for every 100 words or fraction thereof ...	.50
With maximum for any one document .....	2.50
81. For the administration and/or distribution of the property situate in the country of the Consular Officer's residence of a Canadian national, other than a seaman, dying intestate, or if not intestate when undertaken in the absence of legally competent representatives of the deceased .....	2½% on the gross value of estate handled.

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\*This fee to be waived for Canadian citizens in all cases except where it appears that excessive or unnecessary requests are being made on the Post as a result of the waiving of the fee.

## DEPARTMENT OF NATIONAL HEALTH AND WELFARE ACT.

(R.S.C., 1952, c. 74)

## Potable Water Regulations for Common Carriers

P.C. 1954-1213

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and by virtue of the powers conferred by section 9 of the Department of National Health and Welfare Act, is pleased to order as follows:

1. The Regulations concerning water for drinking and culinary purposes on certain air, land and water vehicles, established by Order in Council P.C. 6536 of 29th December, 1949, are hereby revoked; and

2. The annexed "Regulations concerning Water for drinking and culinary purposes on certain air, land and water conveyances" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS CONCERNING WATER FOR DRINKING AND  
CULINARY PURPOSES ON CERTAIN AIR,  
LAND AND WATER CONVEYANCES

1. These regulations may be cited as the *Potable Water Regulations for Common Carriers*.

*Interpretation*

2. In these regulations,

- (a) "common carrier" includes any employee, servant or agent of a common carrier;
- (b) "conveyance" means any aircraft, train, vessel, motor vehicle or other mode of transportation that is used in
  - (i) international traffic,
  - (ii) interprovincial traffic,
  - (iii) traffic on the sea coast of Canada and on the salt water bays, gulfs and harbours of Canada, and
  - (iv) traffic on the Great Lakes and inland waters of Canada;
- (c) "Department" means the Department of National Health and Welfare;
- (d) "Minister" means the Minister of National Health and Welfare;
- (e) "potable water" means water that is free of pathogenic bacteria and is of such a composition that, when five ten-millilitre portions thereof are examined according to the standard procedure outlined in the latest edition of *Standard Methods for the Examination of Water and Sewage*, published by the American Public Health Association, not more than one portion thereof shows the presence of organisms of the coliform group, that is to say, the most probable number is not greater than 2.2 per 100 millilitres;

**Department of National Health and Welfare Act—continued**

- (f) "potable water system" means the equipment used on a conveyance for handling, treating, storing and distributing potable water;
- (g) "raw water" means water that is not potable water; and
- (h) "vessel" means any boat, ship or other mode of transportation by water that is used in any traffic mentioned in paragraph (b).

*Supply of Water and Ice*

3. No common carrier shall supply raw water for use on any conveyance for drinking or culinary purposes.

4. No common carrier shall supply for use with potable water or food on any conveyance ice that is not

- (a) made from potable water or obtained from a source approved by the Minister, and
- (b) stored and handled in a clean and sanitary manner.

*Responsibility of Common Carrier*

5. No common carrier shall operate or cause to be operated a conveyance unless the potable water system of such conveyance is

- (a) operated without any connection to any system for handling, storing or distributing raw water,
- (b) identified as a potable water system by signs on storage tanks, outlets and filling connections,
- (c) protected from tampering by unauthorized persons, and
- (d) maintained in a sanitary condition.

6. Every common carrier who operates or causes to be operated a conveyance shall

- (a) clean, sterilize with live steam or a chlorine solution and rinse with potable water the potable water system of such conveyance before it is used for the first time;
- (b) clean, sterilize with live steam or a chlorine solution and rinse with potable water the potable water system whenever it has been exposed to contamination in any way or has contained raw water as revealed by the examination referred to in paragraph (e) of section 2;
- (c) clean, sterilize with live steam or a chlorine solution and rinse with potable water the tanks and containers of the potable water system before they are used again after they have been entered into for inspection, repairs or maintenance;
- (d) subject to paragraph (f), clean, sterilize with live steam or a chlorine solution and rinse with potable water at least once a month the potable water system that is being used;
- (e) empty, clean, sterilize with live steam or a chlorine solution and rinse with potable water at least once every two weeks the water coolers and other chilling devices of the potable water system that is being used; and
- (f) in the case of a railway train which is subject to these regulations, clean, sterilize with live steam or a chlorine solution and rinse with potable water at least every three months the tanks and pipe lines of the closed potable water system.



**Department of National Health and Welfare Act—continued**

7. No common carrier who operates or causes to be operated a conveyance shall permit on it,

- (a) any careless or insanitary handling of potable water from the source of supply thereof to the points of consumption;
- (b) the existence of by-passes around the treatment or purification apparatus of the potable water system;
- (c) the existence of a raw water supply in a galley or kitchen quarters unless
  - (i) the outlet of such water supply is located at a point less than eighteen inches above the level of the deck or floor, and
  - (ii) a sign has been posted at the outlet indicating that the water is to be used only for the purpose of washing decks or floors;
- (d) the storage of potable water in tanks that are exposed to contamination by or from
  - (i) pipes that pass through them,
  - (ii) raw water,
  - (iii) toilets, or
  - (iv) any other potential source of pollution; or
- (e) the existence of raw water outlets unless there has been posted at each such outlet a conspicuous and legible sign that states that the water available is not to be used for drinking or culinary purposes.

*Special Requirements for Vessels*

8. No common carrier shall operate or cause to be operated a vessel unless

- (a) the potable water system is maintained and operated in accordance with sections 3 to 7,
- (b) no part of the deck or hull forms part of the potable water storage tank except when
  - (i) the bottom of the tank is at least two feet above the maximum load water line and the seams of the ship's hull are continuously welded,
  - (ii) there are no access or inspection openings in the portion of the deck forming the top of the potable water tank, and
  - (iii) there are no common partitions with a tank holding raw water or other substance which could contaminate or pollute potable water;
- (c) the openings of all deck vents connected to the potable water system face downwards, are covered with wire mesh and are not less than eighteen inches above the deck;
- (d) all potable water system vents or openings passing through the hull discharge at least ten feet above the maximum load water line;
- (e) all potable water system filling connections
  - (i) begin at a point at least eighteen inches above the deck that they penetrate, and
  - (ii) are securely capped when not in use;
- (f) all potable water tanks are provided with a drain so located that tanks can be completely emptied; and

**Department of National Health and Welfare Act—concluded**

(g) the sounding rod used in the potable water system is not used in any other water system and is handled and stored in a sanitary manner.

9. No common carrier shall put into operation or cause to be put into operation any vessel the construction of which was completed after the first of January nineteen hundred and fifty, unless one month prior to it being put into operation he has furnished the Minister with duplicate copies of the plans and specifications indicating the location and installation of the potable water system together with such further information as the Minister may require.

*Inspection and Certificates*

10. (1) An official of the Department duly authorized by the Minister may examine and inspect from time to time the potable water and potable water system of any conveyance that is operated by a common carrier.

(2) Where the Minister is not satisfied that the potable water or the potable water system comply with the requirements of these regulations, he shall forward to the common carrier who owns the conveyance a notice containing particulars of the manner in which the requirements of the regulations are not complied with.

(3) When a common carrier receives a notice under subsection (2) he shall take whatever action is necessary to ensure that the requirements of these regulations specified in the notice are complied with.

11. (1) Where the Minister is satisfied that the potable water and the potable water system of any vessel used for the transportation of passengers comply with all the requirements of these regulations, he may issue to the common carrier who operates the vessel a certificate.

(2) Subject to paragraphs (2) and (3) of section 10, where the Minister is not satisfied that the potable water and the potable water system of any such vessel comply with all the requirements of these regulations, he may issue to the common carrier who operates the vessel a temporary certificate that will remain in force for a period to be fixed by the Minister but not to exceed one year from the date of issue.

(3) Certificates issued under subsections (1) and (2) shall be posted by the common carrier in a conspicuous place on the vessel in respect of which they are issued.

*Sources of Supply of Water*

12. The Minister may establish a list of the sources of supply of water used by common carriers in Canada and may furnish, upon request, to the owner of a conveyance, a copy of this list together with information respecting the condition and standard of quality of the water available.

*Penalties*

13. Every person who knowingly violates any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

## DEPARTMENT OF NATIONAL REVENUE ACT.

(R.S.C., 1952, c. 137)

## Hours of service, Customs Officers

Series D No. 79  
(4th Revision)

*Regulations Respecting Hours of Attendance, Hours of Service and Hours of Business, established by the Deputy Minister of National Revenue for Customs and Excise in accordance with the Department of National Revenue Act and section 88 of the Civil Service Regulations.*

1. The normal hours of attendance for officers and other persons employed in Customs-Excise Long Rooms and similar offices are as follows:

- (a) at five-day week ports, from 8:45 a.m. to 5:25 p.m. daily, Mondays through Fridays, with a luncheon period of one hour;
- (b) at ports operating on the "Alternate Saturday" schedule,
  - (i) from 8:45 a.m. to 5:00 p.m. daily, Mondays through Fridays, with a luncheon period of one hour, and from 9:00 a.m. to 1:00 p.m. on Saturdays;
  - (ii) from 9:00 a.m. to 5:00 p.m. daily, Mondays through Fridays, with a luncheon period of forty-five minutes, and from 9:00 a.m. to 1:00 p.m. on Saturdays.

2. The normal hours of attendance for officers and other persons employed at Customs-Excise Headquarters, Ottawa, are from 8:30 a.m. to 5:10 p.m., Mondays through Fridays, with a luncheon period of one hour.

3. (1) The normal hours of service for all outside Customs or Excise officers and employees are as follows:

- (a) Customs truckmen and officers employed in Examining and Queen's Warehouses and Excise Surveys and all other classes not included herein or in paragraph (b) hereof.
  - (i) at five-day week ports, from 8:00 a.m. to 5:00 p.m. daily, Mondays through Fridays, with a luncheon period of one hour;
  - (ii) at six-day week ports, from 8:00 a.m. to 5:00 p.m. daily, Mondays through Fridays, with a luncheon period of one hour, and from 8:00 a.m. to noon on Saturdays;
- (b) guards, watchmen and officers employed at frontier points, air-ports, wharves, railway yards or stations on a shift basis:
  - (i) at five-day week ports, eight hours a day for five days;
  - (ii) at six-day week ports, eight hours a day for five days and four hours for one day.

(2) Collectors of Customs and Excise may require any outside employees to remain on duty beyond their regular hours whenever it is necessary that service to the public be provided beyond the hours specified in this section.

(3) Guards, watchmen and officers working on a shift basis shall serve their hours of duty without intermission, except for a reasonable luncheon period, and the hours of service of such employees may be established as required to permit the most efficient and economic employment of the staff.

**Department of National Revenue Act—concluded**

4. The normal hours of business at Long Rooms and similar offices are as follows:

- (a) for the collection of revenue and the presentation of entries
  - (i) at five-day week ports, from 8:45 a.m. to 5.25 p.m. daily, Mondays through Fridays;
  - (ii) at ports operating on "Alternate Saturdays" from 9:00 a.m. to 4:50 p.m. daily, Mondays through Fridays, and from 9:00 a.m. to 12:30 p.m. on Saturdays.
- (b) for the transaction of other business,
  - (i) at five-day week ports, from 8:45 a.m. to 5.25 p.m. daily, Mondays through Fridays;
  - (ii) at ports operating on "Alternate Saturdays" from 9:00 a.m. to 5:00 p.m. daily, Mondays through Fridays, and from 9:00 a.m. to 1:00 p.m. on Saturdays.

5. The hours specified in these regulations may be amended in any particular case or class of cases with the written permission of the Deputy Minister of National Revenue for Customs and Excise, and may be prolonged without extra compensation to the officers and employees concerned whenever required by the exigencies or interests of the public service.

6. These regulations are effective October 1, 1954.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

Ottawa, September 1, 1954.

*See Regulations respecting Special Services, page 740.*

**DEPARTMENT OF TRANSPORT ACT. (R.S.C., 1952, c. 79)**

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**1. Gander Airport Motor Vehicle Regulations**

P.C. 1585

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 21st day of March 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of section twenty-five of the Department of Transport Act and of section one of an Act to provide for the regulations of Vehicular Traffic on Dominion Property, is pleased to make and doth hereby make the following regulations:



**Department of Transport Act—continued**

1. These regulations may be cited as the *Gander Airport Motor Vehicle Regulations*.

2. In these regulations,

- (a) "airport" means the Newfoundland Airport at Gander in the Province of Newfoundland together with any other property used for the operation of the Airport;
- (b) "hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected for the use of a motor vehicle in the operation of a taxi or bus service or for the carriage of passengers within the airport by a person who, as owner, lessee, hirer, driver or otherwise, has possession or control over the motor vehicle or has directed the movement of the motor vehicle; and
- (c) "motor vehicle" includes an automobile, bus, livery, motor cycle, taxi cab, truck, truck tractor, tracked vehicle or any other vehicle propelled or driven otherwise than by muscular power, but does not include an aircraft or a car of an electric or steam railway.

3. No person shall use or operate a motor vehicle within the airport for hire or reward unless he is authorized in writing by the Minister of Transport to do so.

4. Every person who violates these regulations is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding twenty-five dollars.

**2. Airport Vehicle Control Regulations**

P.C. 1953-942

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 12th day of June, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by the Department of Transport Act, 1936, and the Government Property Traffic Act, is pleased to order as follows:

1. The Airport Vehicle Control Regulations established by Order in Council P.C. 3720 of 24th July, 1951, are hereby revoked; and

2. The annexed "Airport Vehicle Control Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**AIRPORT VEHICLE CONTROL REGULATIONS**

1. These regulations may be cited as the *Airport Vehicle Control Regulations*.

*Interpretation*

2. In these regulations,

- (a) "animal" means any domestic animal and includes poultry;
- (b) "constable" means

**Department of Transport Act—continued**

- (i) a member of the Royal Canadian Mounted Police,
- (ii) a member of a provincial or municipal police force, and
- (iii) any person authorized by the Minister to enforce these regulations;
- (c) "driver" means a person who is driving or is in actual physical control of a vehicle;
- (d) "Minister" means the Minister of Transport;
- (e) "owner", when used in connection with a vehicle, means a person who holds legal title to the vehicle, and includes a conditional purchaser or lessee or mortgagor who is entitled to possession and is in possession of the vehicle;
- (f) "park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;
- (g) "road" includes any highway, street or place designed and intended for, or used for the passage of vehicles; and
- (h) "vehicle" means a device in, upon or by which a person or property is or may be transported or drawn upon a road, except a device used exclusively upon stationary rails or tracks.

*Application*

3. These regulations apply to every airport under the administration and control of the Minister and the roads thereon.

*Registration and Permits*

4. No person shall operate a vehicle on an airport unless
- (a) he holds all licences and permits that he is, by the laws of the province and the municipality in which the airport is situated, required to hold in order to operate the vehicle in that province and municipality, and
  - (b) the vehicle is registered and equipped as required by the laws of the province and the municipality in which the airport is situated.

*Compliance with Provincial and Municipal Laws*

5. (1) No person shall operate a vehicle on an airport otherwise than in accordance with the laws of the province and the municipality in which the airport is situated.

(2) In this section the expression "laws of the province and the municipality" does not include laws that are inconsistent with or repugnant to any of the provisions of the Department of Transport Act, the Government Property Traffic Act or these regulations.

*Traffic Signs and Devices*

6. (1) The Minister may mark or erect or cause to be marked or erected on any airport, traffic signs or devices

- (a) prescribing rate of speed
- (b) regulating or prohibiting parking and designating parking areas
- (c) prescribing load limits for any vehicle or class of vehicles
- (d) prohibiting or regulating the use of any road or place by any vehicle or class of vehicle or by persons or animals

**Department of Transport Act—continued**

- (e) designating any road as a one-way road
- (f) for stopping vehicles
- (g) for regulating pedestrian traffic and
- (h) for directing or controlling in any other manner traffic on the airport.

(2) Except as authorized by subsection one, no person shall mark or erect any traffic sign or device on any airport.

(3) No person, other than the Minister, shall without the authority of the Minister, remove or deface any traffic sign or device on any airport.

7. Any traffic sign or device on an airport bearing the word "Department of Transport" or an abbreviation thereof, or purporting to have been erected by or under the authority of the Minister, shall *prima facie* be deemed to have been erected pursuant to these regulations.

8. The driver of a vehicle on an airport shall obey the instructions of any traffic sign or device applicable to that driver or vehicle.

*Traffic Direction and Control*

9. No person shall drive a vehicle on an airport except on a road.

10. The driver of a vehicle on an airport shall comply with any traffic directions given to him by a constable.

11. Every person on an airport shall produce to a constable upon demand

- (a) any permit issued to him under these regulations,
- (b) any licence or permit he holds authorizing him to drive a vehicle, and
- (c) any certificate of registration of a vehicle held by him.

12. Every driver of a vehicle who is directly or indirectly involved in an accident on an airport shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty is damaged by the accident, shall forthwith report the accident to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the airport.

*Parking*

13. No person shall park a vehicle in any area designated by a sign as an area in which parking is prohibited.

14. Where an area is by sign designated as an area where parking is reserved for those holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

- (a) he holds a permit authorizing him to park in the area,
- (b) if an identifying label has been issued with the permit, the label is affixed to and exposed on the vehicle, and
- (c) he parks the vehicle in accordance with the terms of his permit.

15. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

**Department of Transport Act—continued**

16. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

17. (1) The Minister may issue or authorize the issue of permits and labels for the purposes of these regulations.

(2) The Minister or a person authorized by him may at any time revoke a permit issued under these regulations.

(3) Unless sooner revoked, a permit issued under these regulations is valid for the period stated thereon, and a label furnished with the permit is valid only during the period that the permit is valid.

18. A constable who finds a vehicle parked in contravention of these regulations may, at the expense of the owner, remove the vehicle and, if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

*Speed*

19. No person shall drive a vehicle on a road at a rate of speed in excess of the speed limit indicated for that road by a sign.

*Animals*

20. (1) No animal shall be allowed to go at large on any airport.

(2) Where an animal is found at large on an airport the owner of the animal and the person through whose default or neglect the animal is at large are liable for the penalties prescribed for the contravention of subsection one.

(3) A constable or the person in charge of an airport may, at the expense of the owner of the animal, cause any animal found at large on an airport to be confined or driven off the airport or impounded in accordance with the laws of the province and municipality in which the airport is situated.

*Exemptions*

21. The Minister or officer in charge of an airport may exempt any person or class of persons from the provisions of these regulations so far as may be necessary for the efficient performance of duties in the service of Her Majesty or in the execution of a duly authorized work on the airport.

*Penalties*

22. Every person who violates any of these regulations is liable on summary conviction to a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months or to both fine and imprisonment.



## Department of Transport Act—continued

## 3. Transport Control Regulations

P.C. 1954-807

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 1st day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and by virtue of the powers conferred by section 6A of the Department of Transport Act, is pleased to make the annexed "Regulations respecting Transport Control", and they are hereby made and established, accordingly.

## REGULATIONS RESPECTING TRANSPORT CONTROL

1. These regulations may be cited as the *Transport Control Regulations*.
2. In these regulations and in any order
  - (a) "goods in bulk" includes grain, and grain products, ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), ferrous metals, iron and steel scrap, sand, stone and gravel, pulpwood, woodpulp, poles and logs, coal and coke, and sulphur and phosphate;
  - (b) "Controller" or "Transport Controller" and "Deputy Controller" or "Deputy Transport Controller" mean, respectively, the Transport Controller or Deputy Transport Controller appointed by the Governor in Council under section three;
  - (c) "dealing in or with" includes buying, selling, owning, leasing, hiring, lending, borrowing, exchanging, acquiring, importing, storing, supplying, chartering, operating, delivering, transporting, distributing, dispensing, shipping, conveying, installing or using;
  - (d) "equipment" includes any property, real or personal, and any goods owned by or under the control of any person for the purpose of operating bulk transport facilities and any articles, substances or things to be included in or excluded from equipment for the purposes of these regulations or any part thereof;
  - (e) "grain" includes wheat, flour, flax, barley, rye, buckwheat, corn, oats, mill feed and grain screenings;
  - (f) "bulk transport facilities" includes any property, real or personal, designed or suited, or capable of being used, for the transportation of goods in bulk either by means of ships or by a company to which the Railway Act applies including any facilities for loading, unloading and storing goods in bulk and any facilities owned or

**Department of Transport Act—continued**

controlled by or in possession of any person operating transport facilities, and, without limiting the generality of the foregoing, "transport facilities" includes

- (i) railway facilities designed or suited, as to design, or capable of being used for the transportation of goods in bulk,
  - (ii) ships of 1,000 gross registered tons or over so designed or suited, or capable of being so used, and
  - (iii) storage facilities used or capable of being used in connection with transporting goods in bulk;
- (g) "order" means an order made under these regulations;
  - (h) "services" means any accommodations or undertakings sold or supplied by any person owning, operating, controlling or having in his possession any bulk transport facilities or equipment or the operation thereof;
  - (i) "ship" means a ship, as defined in the Canada Shipping Act, that is registered in Canada.

3. The Governor in Council, on the recommendation of the Minister of Transport, may appoint a Transport Controller and may appoint one or more Deputy Transport Controllers.

4. A Deputy Transport Controller may exercise any and all powers conferred upon the Controller by these regulations, subject to any restrictions that the Controller may impose and subject in all cases to review by the Controller; but any order by a Deputy Transport Controller is final and binding unless and until it has been reviewed and varied or vacated by the Transport Controller.

5. (1) The Transport Controller may

- (a) order any person dealing in or with bulk transport facilities to transport goods in bulk in such priority over any other goods in bulk or over other goods, and as between them or any of them, as the Controller directs;
- (b) fix minimum quotas, amounts or quantities of any goods in bulk that shall be moved in any bulk transport facilities during such period as he directs;
- (c) fix minimum ratios or proportions of any goods in bulk in relation to any other goods in bulk or to other goods, that shall be moved in any bulk transport facilities during such period as he directs;
- (d) fix minimum quotas, amounts or quantities of any goods in bulk that any person dealing in or with bulk transport facilities shall transport or cause to be transported in such facilities during such period as he directs;
- (e) fix minimum ratios or proportions of any goods in bulk in relation to any other goods in bulk or to other goods that any person dealing in or with bulk transport facilities shall transport or cause to be transported in such facilities during such period as he directs;
- (f) order any person dealing in or with bulk transport facilities to limit, discontinue or cease to operate, except for the transportation of such goods in bulk as he designates, any such facilities for such time as he directs;

**Department of Transport Act—continued**

- (g) order any person dealing in or with bulk transport facilities to extend, furnish, supply or make use of any bulk transport facilities, services or equipment for transporting any goods in bulk at such times and places and in such manner as he directs;
- (h) order or require any person dealing in or with bulk transport facilities or goods in bulk or any agent, employee or representative of any such person, to furnish in such form and within such time as the Controller may prescribe such facts, data or information as the Controller may deem necessary or advisable; and the Controller may require the same to be furnished under oath or affirmation.

(2) An order may be either general or with respect to a specific or particular matter, thing, activity or undertaking.

(3) Any violation of an order made under this section shall be deemed to be a violation of these regulations.

6. Where any person fails to fulfil any contract, charter or obligation, whether made or assumed before or after the coming into force of these regulations or any order, and such failure is due to compliance on the part of such person with any order made after such contract, charter or obligation was made or assumed, proof of that fact is a good defence to any action or proceeding against such person in respect of such failure.

7. The Controller, a Deputy Controller or any person acting for or on behalf of or under the authority of the Controller is not liable to any person for anything done or omitted to be done in the exercise or purported exercise of any power or authority vested in the Controller by these regulations.

8. Such staff and organization at Ottawa and elsewhere in Canada as may be required by the Controller may be appointed in the manner prescribed by law.

9. Any person who violates any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500 or imprisonment for a term of six months or both such fine and imprisonment, and in the case of conviction on indictment to a fine not exceeding \$5,000 or imprisonment for term of five years or both such fine or imprisonment.

**4. Canal Regulations**

P.C. 1954-1859

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to sections 25 and 26 of the Department of Transport Act, is pleased to order as follows:

**Department of Transport Act—continued**

1. The regulations established by Order in Council P.C. 5167 of 18th October, 1949, as amended, for the use and operation of the Canals of Canada, are hereby revoked; and

2. The annexed "Canal Regulations" are hereby made and established in substitution for the regulations hereby revoked.

CANAL REGULATIONS

*Short Title*

1. These regulations may be cited as the *Canal Regulations*.

*Definitions*

2. In these regulations,

- (a) "basin" means any navigable area, whether or not it includes a part of the normal canal prism, provided for the loading, unloading, turning or passing of vessels;
- (b) "bridgmaster" means a person actually on duty in charge of a bridge;
- (c) "damkeeper" means a person actually on duty in charge of a dam;
- (d) "Department" means the Department of Transport;
- (e) "despatcher" means a person actually on duty operating a marine radiotelephone station for controlling ship traffic entering or within a canal;
- (f) "Director" means the Director, Canal Services, of the Department of Transport, or such person duly appointed to act in that behalf;
- (g) "employee" includes any person not being an officer, employed in the Department;
- (h) "goods" means any animal, commodity or merchandise;
- (i) "lockmaster" means a person actually on duty in charge of a lock;
- (j) "lying in wait" means the waiting of a vessel, during the season of navigation, in any portion of a canal not specifically designated by the Superintending Engineer for the purpose of the lying-up of vessels;
- (k) "lying-up" means the occupying by a vessel, during the season of navigation, or a berth in such portion of a canal designated by the Superintending Engineer for that purpose, and a "lying-up area" means an area so designated;
- (l) "marine railway operator" means a person actually on duty in charge of a marine railway;
- (m) "master" means any person in charge of a vessel, except a pilot;
- (n) "Minister" means the Minister of Transport;
- (o) "officer" means any person employed in the Department exercising control in connection with the canals;
- (p) "owner" as applied to goods, includes the consignor and the consignee of the goods;
- (q) "owner" as applied to a vessel, includes the authorized agent of the owner;
- (r) "package freight" means goods bagged, baled, boxed, bundled, crated, wrapped, enclosed, or bound for transportation;
- (s) "restricted area" means any area of canal land declared by the Superintending Engineer to be an area upon which no goods are to be deposited;



**Department of Transport Act—continued**

- (t) "season of navigation" means the period from the date of the official opening to the date of the official closing of navigation, both dates inclusive;
- (u) "Side Wharfage Charges" means charges levied on a vessel loading, unloading or lying in wait in a canal;
- (v) "Storage Charges" means charges levied on goods occupying unleased canal property;
- (w) "Superintending Engineer" and "Superintendent" mean respectively the person holding the office of Superintending Engineer or Superintendent of any of the canals of Canada or any person duly authorized to act for any such officer;
- (x) "Top Wharfage Charges" means charges levied on goods loaded on or unloaded from a vessel in a canal;
- (y) "tow" means to push, pull or otherwise move through the water;
- (z) "unrestricted area" means an area of unleased land not included in a restricted area;
- (aa) "vessel" means any ship, boat or other floating craft or equipment; and
- (bb) "wintering" means the occupying, by a vessel, during the non-navigation season of a berth within the limits of the canals, whether such vessel be afloat or otherwise.

**Part I****GENERAL REGULATIONS***Application*

3. Except as otherwise provided in Part II, this Part applies to all canals under the jurisdiction of the Department.

4. The canals under the jurisdiction of the Department are set out in Schedule A.

*Canal Regulations and Customs Clearance Papers*

5. (1) A copy of these regulations shall at all times be kept on board each vessel navigating the canals.

(2) Customs clearance papers of vessels must be shown to any Superintendent or Lockmaster when required or passage through the canal may be refused.

*Navigation Season and Hours of Operation*

6. The dates of opening and closing of the navigation season and the hours of operation on the various canals are published annually in Notice to Mariners.

*Let Pass Requirements*

7. (1) Except as provided in subsection (5) of this section, no vessel shall use a canal without an Annual Let Pass or a Trip Let Pass, and such pass shall be shown to any lockmaster or other officer when required by him.

**Department of Transport Act—continued**

(2) An Annual Let Pass, good for passage through any canal, may, upon completion by the owner of an Annual Let Pass Agreement on a form approved by the Minister, be obtained from any Superintending Engineer, or in the case of pleasure craft of forty feet or less in length, from the local statistical officer, lockmaster or bridgmaster.

(3) A Trip Let Pass, good for one passage, one way or one way and return, as the case may be, for a vessel not provided with a valid Annual Let Pass, may be obtained from the local statistical officer, lockmaster, or bridgmaster at the entrance to the first canal encountered, on payment of ten dollars for each such Trip Let Pass in excess of three during one navigation season and upon completion by the owner of a Trip Let Pass Agreement on a form approved by the Minister.

(4) Upon a change in the ownership of a vessel for which an Annual Let Pass has been issued, any Annual Let Pass issued in respect of the vessel becomes void, and the vessel shall not enter any canal after such change in ownership unless the new owner obtains a new Let Pass.

(5) Any vessel not provided with a Let Pass may enter the canals specified in column 1 of Schedule B to the extent specified in column 2 of that Schedule for the purpose only of obtaining a Let Pass; and no such vessel shall make any further passage unless a Let Pass is obtained.

*Statistical Data Requirements*

8. No vessel, except pleasure craft of forty feet or less in length, shall use any canal without furnishing to the statistical officer a detailed report signed by the master or the owner of the vessel and made out on the regular printed Ship's Report form showing its registered gross and net tonnage, the nature and quantity of the cargo, and its destination; and if so required, certified copies of the bills of lading or of the vessel's manifest shall also be furnished.

*Condition and Manning of Vessels*

9. (1) The Director, Superintending Engineer, or Superintendent may deny a vessel passage through a canal or any part thereof when, in his opinion, the character or condition of the cargo, hull, equipment or machinery is such as to endanger the structures pertaining to the canal, cause delay to navigation, or render the vessel liable to obstruct the canal.

(2) No vessel manned with a crew insufficient or incompetent, in the opinion of the Director, the Superintending Engineer, or the Superintendent, to operate and navigate the vessel in a safe manner, shall enter or proceed in any canal; and the master of such vessel shall act in accordance with the instructions of the Director, Superintending Engineer, or Superintendent.

*Examination of Vessels*

10. The Director, Superintending Engineer, or Superintendent, may stop any vessel in a canal, and enter on such vessel for the purpose of examining the vessel, checking the crew, or of verifying any pass, manifest or Ship's Report.

**Department of Transport Act—continued***Draught of Vessels*

11. (1) Every vessel, drawing five feet or over, navigating any canal shall be correctly and distinctly marked at the bow and stern to show exact draught fore and aft, and no vessel without such marks shall enter any canal.

(2) When required, the master of any vessel shall produce a certificate, duly sworn to, from the last drydock the vessel was in, that the draught marks are correct.

(3) No vessel shall enter or pass through any lock or reach of any canal unless the depth of water on the controlling point for draught in such lock or reach exceeds by at least three inches, or such other clearance as may be determined by the Director, the maximum draught of the vessel at the time.

(4) Subject to the provisions of subsections (3) and (5) of this section, no vessel shall enter or proceed in any canal specified in column 1 of Schedule C drawing more than the depth of water set out opposite such canal in column 2 of Schedule C.

(5) The Director may increase or decrease the draught limits set out in Schedule C.

*Trim of Vessels*

12. (1) All vessels navigating any canal shall have their equipment and cargo so arranged that no damage will be done to any canal structure or other works, or to any other vessel in such canal, and all discharge pipes shall be covered with hoods so as to discharge below the lock coping.

(2) All fenders used by vessels navigating any canal shall either be made of such materials as will float, or shall be securely fastened to the vessel by means of a steel cable or by means of two manila ropes; automobile tires shall not be used as fenders.

*Vessels in Tow*

13. (1) No more than one vessel shall at one time be towed by another vessel on any Main Route canal; when required by the Director or Superintending Engineer, two tugs or other vessels shall be provided for towing any vessel.

(2) No vessel shall on any Main Route canal, except the Welland Ship Canal, be fastened alongside of its towing vessel so that the total beam exceeds forty-four feet.

(3) No vessel that is not self-propelled shall be on any Main Route canal unless it is securely tied to its towing vessel at all times.

(4) No vessel shall be towed in canal waters by another vessel fastened alongside or astern of the towed vessel unless

(a) the steersman of the towing vessel has an unobstructed view of the full outline of the deck at the bow of the towed vessel and of the water surface four hundred feet in advance of its bow, or

(b) when under way, there is at all times on the deck of the towed vessel a deckhand to signal directions to the steersman.

(5) The owner of any vessel towing another vessel and the owner of the towed vessel are jointly and severally liable for any injury or damage caused to canal property by such towed vessel.



**Department of Transport Act—continued**

*Speed of Vessels*

14. Unless otherwise specified in these regulations, every vessel, after entering a canal, shall proceed at a reasonable speed so as not to cause undue delay to vessels navigating in the same direction, but shall not, in any event, exceed a speed of six miles an hour.

*Lights on Vessels*

15. (1) Every vessel in any canal or in any navigable channel between canals shall comply with the rules respecting lights as contained in the Rules of the Road for the Great Lakes established under the *Canada Shipping Act*.

(2) No vessel shall use a search light in such manner that the rays of the search light interfere with the navigation of a vessel or the operation of the canal structures.

*Passing of Vessels Under Way*

16. The passing of vessels meeting or overtaking one another in a canal shall be governed by the Rules of the Road established under the *Canada Shipping Act*, except as follows:

- (a) when meeting in East Basin 1 of the Lachine Canal, each vessel shall pass to starboard;
- (b) when meeting at Bridge 15 of the Welland Ship Canal, where two separate channels are available, the downbound vessel shall have the right of way and shall signal to the upbound vessel which channel it proposes to take; the signal so given shall be answered by the master of the upbound vessel;
- (c) when two vessels are approaching, from opposite directions, a swing bridge that does not provide separate channels for up and down traffic and curtails the normal width of the navigation channel, the downbound vessel shall have the right of way, the upbound vessel holding back so that the vessels will pass each other at least three hundred feet below the bridge;
- (d) except in the Welland Ship Canal, when two vessels, either one of which exceeds one hundred feet in length, are approaching a bend in a canal from opposite directions, the downbound vessel shall have the right of way and the upbound vessel shall check its speed so as to avoid meeting in the bend; and
- (e) no vessel shall attempt to overtake another vessel while within one thousand feet of a lock, guard gate or bridge that both are approaching.

*Passing Moored Vessels*

17. Any vessel passing a moored vessel or equipment working in a canal shall proceed at dead slow speed.

*Vessel Precedence at Railway Bridges*

18. (1) Precedence at railway movable bridges shall, at all times, be given to canal traffic.



**Department of Transport Act—continued**

(2) If no train is on the railway signal block when a vessel whistles for the bridge, the bridgemaster shall, at once, set the signals against railway traffic and proceed to open the bridge.

(3) If a train is on the railway signal block, the train will be permitted to cross and the vessel shall slow down, stop if necessary, and await the passage of the train.

*Vessels Approaching Lock or Bridge*

19. (1) A whistle, bell or horn shall be sounded before a vessel reaches any lock or movable bridge as an approach signal, to such extent only as is necessary to give the officer in charge of such lock or bridge warning to receive the vessel.

(2) The master of any vessel within a lock or approaching or leaving any lock, guard gate or bridge shall ascertain for himself whether or not such lock, guard gate or bridge is prepared to allow his vessel to enter or pass, and he shall control his vessel so as to avoid collision with canal works.

(3) When approaching any lock or guard gate equipped with traffic signal lights the stem of any vessel shall not pass the sign marked LIMIT OF APPROACH while the signal light shows red or when no light is shown; no vessel shall attempt to pass any bridge equipped with traffic signal lights while the lights thereon show red or when no light is showing.

(4) At night, when approaching any lock not equipped with traffic signal lights, no vessel shall attempt to enter such lock until the red light is shown on the mitre of the gates farthest from the approaching vessel; on all bridges not equipped with traffic signal lights, lanterns with red and green lenses are provided; at night no vessel shall attempt to pass any bridge not equipped with traffic signal lights while the light shows red or when no light is showing.

*Vessels Waiting at Locks*

20. (1) All vessels approaching a lock, while another vessel is in or about to enter the same, shall be moored until directed by the officer in charge to proceed.

(2) When several vessels are waiting to enter a lock, they shall moor in single tier, and at a distance of no less than three hundred feet from such lock, nor closer than the limit of approach, unless otherwise directed by the Superintending Engineer, Superintendent, or Lockmaster.

(3) Each vessel shall advance to the lock in the order in which it arrived, except that:

- (a) specific classes of vessels shall follow such order of precedence as may be established by the Director;
- (b) a vessel small enough to lock with a preceding vessel shall advance for that purpose ahead of its regular turn, if so instructed by the officer in charge;
- (c) vessels with barges in tow and, in special circumstances, other vessels, shall follow such order of precedence as may be determined by the Superintending Engineer or the Superintendent; and
- (d) a vessel approaching a lock and having precedence under the provisions of paragraphs (a), (b) or (c) is not entitled to such precedence unless it is within one half mile, or lesser distance, of the lock when it signals for such lock.

**Department of Transport Act—continued***Vessels Entering and Leaving Locks*

21. (1) No vessel shall attempt to enter or leave a lock until the gates are fully opened, and the engines shall be stopped while the propeller wheel is passing over the mitre sills.

(2) The rate of speed of any vessel on entering a lock, when the bow of the vessel has reached the open gates, shall be such that the vessel can be moved into position by her lines alone without depending on the propeller wheel, and the engine shall be stopped when the bow of the vessel has reached the middle of the lock between the upper and lower gates; the remaining distance to be travelled shall be by means of lines attached to winches installed on the vessel's deck.

(3) Any vessel, while entering, locking, or leaving a lock, shall be so controlled as to prevent damage by the vessel to the lock structure and auxiliary equipment.

*Crew to Assist in Passing Vessels*

22. When any vessel is passing through a lock or bridge, the vessel's crew shall, when and in such numbers as required by the officer in charge, be assigned to assist in passing the vessel, and the men so assigned shall comply with the instructions given them by the officer.

*Control of Vessels During Ice Conditions*

23. (1) Upon the formation of ice on any canal the Director may give priority or refuse passage to any vessel or require any vessel to tie up for the winter at any location in the canal.

(2) Vessels lying in wait or wintering in a canal as a result of such instructions shall pay the wharfage, lying-up and wintering charges provided for in these regulations.

*Vessel Lines*

24. (1) Every vessel of two hundred registered gross tons and under navigating the canals shall be provided with at least two good and sufficient lines or hawsers, one at the bow and one at the quarter.

(2) Every vessel of more than two hundred registered gross tons shall be provided with at least four good and sufficient lines or hawsers, two leading astern, one leading ahead and one abreast, all so arranged that they may be used on either side, and on self-propelled vessels at least three of these lines shall run from power-driven winches.

(3) Cargo winches may be used for the handling of mooring lines if

(a) each of the three mooring lines is wound on the main drum of a separate winch,

(b) each mooring line passes through no more than one lead between the winch and the fairlead in the vessel's side, and

(c) such leads are fixed in place and provided with free sheaves so that the mooring line may be led to either side of the vessel as required;

where the exact compliance with this subsection is not possible, a slight deviation therefrom may be made on the permission in writing of the Director, the Superintending Engineer or the Superintendent.

**Department of Transport Act—continued**

(4) For the handling of mooring lines every vessel shall have on both sides chocks satisfactory to the Director or the Superintending Engineer or the Superintendent.

(5) Each line shall be provided with a hand-hold loop spliced thereto at the end of the eye that is thrown over the snubbing post; when locking, each line shall be made fast to snubbing posts on the bank of the canal or lock; the two lines leading astern of a vessel of more than two hundred registered gross tons, pulling evenly, shall be made fast to separate snubbing posts; to check the speed of a vessel while entering the lock, to prevent it from striking against the gates or other parts of the lock and to keep it in proper position while the lock is being filled or emptied, each line shall be attended by one of the vessel's crew during the whole period that the vessel is in any lock.

(6) A vessel shall not be permitted to pass if, in the opinion of the Director or the Superintending Engineer or the Superintendent, the lines, winches or chocks are not good or sufficient.

(7) Where variations as to the relative position in the placing of lines exists on the Main Route Canals, the instructions of the lockmaster should in each case be followed.

(8) Vessels of more than two hundred registered gross tons that are not equipped with a mooring line compressor located at or near the bow of the vessel shall not pass into or through any portion of the Lachine, Soulanges or Ontario-St. Lawrence Canals unless granted special permission by the Superintending Engineer; such permission shall restrict passage through the locks to daylight hours only and the master of the vessel concerned shall comply fully with all orders and such special precautionary regulations as may be issued by the Superintending Engineer.

*Vessel Held on Canal Bank*

25. No vessel when blown or otherwise held on the bank in a canal shall attempt to work herself off with her engine and wheel but shall run lines to the opposite side of the canal and heave out into the channel with her capstan.

*Mooring and Fastening of Vessels*

26. (1) No vessel shall be fastened or moored so as to obstruct navigation.

(2) Masters of vessels passing through the St. Lawrence River Canals and desirous of mooring for the night, for purposes other than loading or unloading cargo, may moor at the following locations only:

Galop Canal—South west entrance wall, but not closer than four hundred feet above Lock 28.

South east entrance wall, but not closer than four hundred feet below Lock 28.

One vessel north east entrance wall, but not closer than three hundred feet below Lock 28.

Rapide Plat Canal—South bank below Lock 24.

South wall above Lock 23, Morrisburg.

Cornwall Canal—In Bergin Lake



**Department of Transport Act—continued**

**Soulanges Canal**—On south side, but not closer than one thousand five hundred feet above Lock 5, Coteau Landing.

On south side immediately west of the former headrace of the Provincial Light and Power Co., about two thousand four hundred feet west of the Guard Gates at Lock 4. This location is limited to two vessels.

**Lachine Canal**—South wall but not closer than one thousand five hundred feet above Lock 5, Lachine.

South east corner of the Turning Basin, below Lock 4. This location, which is adjacent to the Canadian Pacific Railway Company Yards, is limited to one vessel.

On south wall immediately west of South Lock 3. This location is limited to one vessel.

(3) An order given by the Director, Superintending Engineer, or the Superintendent with regard to the position, mooring, or removal of any vessel in a canal, or to the accommodation to be given by the master of such vessel to the master of another vessel shall be complied with immediately.

*Vessels Prohibited from Tying to Poles*

27. No vessel shall place a line on any electric transmission, light, telephone or telegraph pole or railing situated on canal property.

*Top Wharfage, Side Wharfage and Storage Charges*

28. (1) Top Wharfage Charges shall be levied on all goods loaded on or unloaded from vessels in a canal at the rates as set out in Schedule D subject to the exceptions in subsections (2) and (3) applicable to all canals and to the exceptions in subsections (4) and (5) applicable to the Lachine Canal only.

(2) Top Wharfage Charges shall be levied but once on goods loaded on and subsequently unloaded from vessels, or unloaded from and subsequently loaded on vessels, at the same point in a canal provided that such goods have not, in the interval, gone through any manufacturing or refining process.

(3) Top Wharfage Charges shall not be levied on grain and grain products determined by the Director to be destined for export out of Canada, and the books and papers of the persons and companies owning or handling such grain and grain products shall be open to inspection and audit by the officers of the Department for the purposes of determining the destination of such grain and grain products and such persons and companies shall satisfy the Director that such grain and grain products are destined for export out of Canada.

(4) Subject to written authority granted for each vessel by the Director to the owner of such vessel, Top Wharfage Charges shall be levied at the rate of nine cents a ton, instead of at the rates set out in Schedule D, on all goods except automobiles, trucks and vehicles with caterpillar traction loaded or unloaded on the Lachine Canal on to or from a vessel built and navigated for the express purpose of transporting package freight, and taking on or delivering such freight at ports en route



**Department of Transport Act—continued**

and of whose cargo on each up bound and downbound trip, at least seventy-five per cent in tonnage is package freight, all as determined by the Director.

(5) On goods that are unloaded from vessels in the Lachine Canal and will be loaded without delay on vessels in the Harbour of Montreal and, by reason thereof, will pay Top Wharfage Charges to the National Harbours Board, or on goods which have been unloaded in the Harbour of Montreal and have, by reason thereof, paid Top Wharfage Charges to the National Harbours Board and which are subsequently, without delay, loaded on vessels in the Lachine Canal, Top Wharfage Charges shall be levied at only fifty per cent of the rates which would be in effect under these regulations except for the provisions of this subsection.

(6) Goods transhipped from one vessel to another in a canal are subject to Top Wharfage Charges at the rates set out in Schedule D, and the charges are payable by the owner of the discharging vessel.

(7) Top Wharfage Charges shall be levied on all canals at the rates set out in Schedule D, plus a surcharge of ten per cent.

(8) The quantities on which Top Wharfage Charges shall be computed shall be based on reports, vessel's manifest, and bills of lading furnished by the owner of the vessel or the owner of the goods concerned; if quantities are not set forth satisfactorily in such reports, vessel's manifest and bills of lading, the Superintending Engineer shall determine such quantities; in the computation of Top Wharfage Charges on the goods set out in Schedule E the weights specified in that Schedule shall be used.

29. Side Wharfage Charges shall be levied, after a period of ninety-six hours on the Welland Ship Canal and of forty-eight hours on the other canals, on a vessel loading or unloading goods or lying in wait in a canal, at a rate of one-half cent per registered gross ton per twenty-four hours or portion thereof; these charges are in addition to Top Wharfage and Storage Charges on goods loaded or unloaded.

30. (1) No goods shall be deposited on or occupy any portion of a restricted area.

(2) No goods shall be deposited on or occupy any portion of an unrestricted area except with permission in writing of, and as directed by, the Superintending Engineer or the Superintendent.

(3) Except as provided in subsection (4), Storage Charges shall be levied on all goods occupying an unrestricted area at the rate of one cent per square foot of the area occupied for each period of seven days or portion thereof in a season of navigation and for each period of twenty days or portion thereof in a non-navigation season during which the goods occupy such area; these charges are in addition to Top Wharfage and Side Wharfage Charges.

(4) No goods that are to be loaded directly on to a vessel or have been unloaded directly from a vessel from or to an unrestricted area are liable to Storage Charges until they have occupied such area for ninety-six hours if on the Welland Ship Canal, or forty-eight hours if on any other canal.

31. Top Wharfage, Side Wharfage and Storage Charges are payable to the officer appointed to collect such charges and shall be paid by the owner of the vessel or by the owner of the goods prior to the time the vessel leaves the canal or prior to the removal of such goods from canal

**Department of Transport Act—continued**

lands, or if authorized by the Director, by the owner of the vessel or by the owner of the goods within twenty days after the date of the Department's account for such charges, and shall be recoverable with costs from the owner of the vessel or the owner of the goods.

32. (1) The master of any vessel entering a canal to discharge goods or leaving a canal in which goods have been taken aboard shall, upon the vessel's arrival in such canal before discharging and prior to the vessel's departure from such canal after loading, respectively, furnish to the proper officer of such canal correct reports in such form as may be required by the Department specifying the goods making up the vessel's cargo on entering and on leaving the canal and showing the details of each consignment of all goods loaded or unloaded in such canal and, if so required by the Director or the Superintending Engineer, certified copies of bills of lading of each consignment and a certified copy of vessel's manifest shall also be furnished.

(2) If so authorized by the Director or the Superintending Engineer, such reports, vessel's manifest, and bills of lading shall be furnished at a later date by the owner of the vessel or the owner of the goods.

*Charges on Goods Loaded or to be Unloaded in a Private Basin.*

33. Goods that are carried on a vessel in any canal and have been loaded or are to be unloaded in a private basin connected with or opening from the portion of the canal between the entrance locks thereof are subject to charges computed at one quarter of the rates set out in Schedule D.

*Loading or Unloading Otherwise than at a Wharf*

34. No vessel shall take on or discharge passengers or goods at any place other than a regular wharf, as determined by the Superintending Engineer, without the express permission in writing of the Director or Superintending Engineer.

*Loading or Unloading in Front of Leased Lots.*

35. Lessees of canal lots facing canals or basins have the first privilege of loading or unloading vessels on the unleased canal property fronting their respective leased lots; but the Superintending Engineer may, if he sees fit, allow any vessel to discharge on unleased canal property although fronting on leased lots.

*Time Allowance for Loading and Unloading of Goods.*

36. (1) The loading and unloading of goods shall be carried out expeditiously throughout each working day, in a manner satisfactory to the Superintending Engineer or the Superintendent.

(2) Vessels that have ceased discharging or loading, from any cause, are not entitled to retain their berths.

(3) Goods unloaded shall be at once removed to a point clear of the canal wharves and banks.

*Placing Goods on Unleased Land*

37. Goods placed on unleased canal land shall be placed as directed by the Superintending Engineer or the Superintendent.

**Department of Transport Act—continued***Obstruction of Thoroughfare*

38. No goods shall be placed on canal wharves or lands so as to obstruct any thoroughfare, or hinder free passage for persons, teams and vehicles along the front of such wharves or lands; nor shall goods be loaded or unloaded at any lock.

*Goods Left on Wharves or Canal Property Beyond Time Limit*

39. (1) In the event of violation of section 36, 37 or 38 the Superintending Engineer or the Superintendent may remove any goods remaining on the wharf or canal land longer than permitted by these regulations, to any place that he sees fit, and such removal shall be made at the cost of the owner of such goods or of the owner of the vessel from which they were unloaded, or to which they are to be loaded, and such costs and the penalties incurred for such violation constitute a lien upon such goods, and such goods shall not be delivered to or removed by any person until all such costs and penalties are paid; and notwithstanding such removal by or on the orders of the Superintending Engineer or the Superintendent, such goods continue to be at the risk of the owner thereof.

(2) If within thirty days after any such removal by or on the order of the Superintending Engineer or the Superintendent, the costs and penalties due are not paid, the Director may sell, by public auction or otherwise, such goods and apply the net proceeds in payment or part payment of such costs and penalties and the balance, if any, owing to the Department shall be recoverable with costs from the owners; the surplus net proceeds, if any, after the payment of such costs and penalties shall be paid to the owners.

*Wintering and Lying-Up*

40. No vessel shall winter or lie-up in any canal without permission in writing of the Superintending Engineer or the Superintendent; and all risk and responsibility for the vessel and any damage it may sustain shall rest with the owner.

*Wintering and Lying-Up Charges*

41. (1) The owner of any vessel wintering in a canal shall pay Winter Charges at the rates set out in Schedule F.

(2) The owner of any vessel lying-up in a canal shall pay Lying-Up Charges at the rates set out in Schedule G.

(3) The owner of the vessel concerned shall pay to the Superintending Engineer Wintering Charges in advance and Lying-Up Charges prior to the vessel leaving its lying up berth except that, if so authorized by the Director, these charges shall be paid by the owner within twenty days after the date of the Department's account for such charges.

(4) In addition to the payment of Wintering Charges, the owner of any vessel being moved into a wintering berth is liable for all damages to canal property occasioned by such movement.

*Building, Repairing and Breaking up of Vessels*

42. (1) No person shall build, repair, or break up any vessel in any canal or on canal lands except with the written permission of the Superintending Engineer.



**Department of Transport Act—continued**

(2) No person shall authorize or do any repair work other than minor machinery repairs on any oil tanker while such tanker is in any canal or is drydocked on canal lands, without the written permission of the Superintending Engineer or Superintendent; such permission shall be granted only on presentation of a certificate from a qualified chemical inspection company stating that the vessel is gas-free and safe for the work proposed.

(3) Except as otherwise provided in Part II, charges shall be levied on all vessels being built, repaired or broken up in any canal at the rates set out in Schedule H.

(4) In all cases of building, repair or breaking up of vessels on canal property, such vessels shall be at the risk of the owner.

*Removal of Abandoned and Sunken Vessels*

43. The Director may remove or destroy, by explosive or otherwise, any vessel, abandoned, sunken, lying ashore or grounded in any canal and may sell, by public auction, or otherwise, such vessel, together with the cargo and apply the proceeds for reimbursement for the expenses incurred; and if the net proceeds are not sufficient to meet expenses, the amount of the deficiency shall be recoverable with costs, from the owner or person in charge of such vessel, or from the owner of any vessel which was used to move such vessel.

*Explosives, Dangerous Cargo and Oil Products*

44. (1) No vessel whose cargo consists in whole or in part of any explosive material, corrosive liquid or oxidizing material shall pass through any portion of any canal except with the written authority of the Minister and subject to such conditions and restrictions laid down in such authority.

(2) No high explosive or dangerous goods shall be brought on or carried over canal land except with the written authority of the Minister.

(3) Vessels employed in carrying explosives or dangerous or flammable goods, such as fuel oil, crude oil or gasoline, shall, whether loaded, partly loaded or empty, fulfill all requirements of the Director, Superintending Engineer, or Superintendent while in canal waters.

(4) On oiltankers and similar vessels that carry flammable liquids there shall be provided and placed, when docking or locking, a sufficient number of timber fenders between the vessel's hull and the dock or lock wall to prevent any metallic portion of such vessel from touching the side of the dock or lock wall.

*Warning Signals on Vessels with Dangerous Cargoes*

45. A vessel whose cargo consists, in whole or in part, of explosives or flammable or otherwise dangerous liquids shall fly by day a red flag and at night shall show a red light; both the flag and the light shall be displayed at the masthead or at another conspicuous position acceptable to the Superintendent, and shall be visible all around for a distance of at least one mile.

*Dropping Anchor*

46. (1) No anchor shall be dropped from any vessel in any canal unless an emergency exists.



**Department of Transport Act—continued**

(2) The action of dropping an anchor shall be reported to the Superintending Engineer or the Superintendent immediately and the owner of the vessel shall be responsible for all damages caused and repairs or salvage necessitated by such action.

*Sparks and Smoke from Vessels and Blowing off Tubes*

47. (1) Vessels within canal waters shall take the necessary precautions to avoid the emission of sparks or excessive smoke.

(2) No vessel shall blow off boiler tubes in any canal.

*Refuse*

48. No person shall deposit oil, oil sludge or other flammable or dangerous substance, or garbage, ashes, paper, ordure, litter or other materials in canal waters or on canal property.

*Disposal of Snow*

49. No person shall deposit snow or ice in any canal or on canal property except with the written permission of and as directed by the Superintending Engineer.

*Interference with Water Supply and Canal Works*

50. Only those persons authorized by the Director, Superintending Engineer, or Superintendent shall open or shut the gates or sluices of the locks, waste weirs, or dams or draw down or raise the water level of a canal by any means whatever; nor shall any person interfere with any canal works or property.

*Injury and Defacing of Canal Property*

51. No person shall injure or deface any ornament, tree, plant, shrub, flower, flower-bed, turf, sign, seat or any of the fences, bridges buildings, booms, rip-rap or other structures within any canal boundaries and no person shall write upon any fence, bench, seat, rock, stone or structure.

*Animals at Large*

52. No person shall allow any animal or fowl to go at large within canal boundaries, except that a dog may be allowed therein, if under control of its owner.

*Firearms, Offensive Weapons, Fireworks, and Fires*

53. (1) Unless holding a lawful permit for the possession of firearms, no person shall carry any offensive weapon within canal boundaries.

(2) No person shall fire or discharge any firearm or firework within canal boundaries without the written permission of the Director or Superintending Engineer.

(3) No person, unless under the supervision of an employee, shall kindle or build any fire on canal lands except the holder of a valid lease or licence covering such lands.

**Department of Transport Act—continued**

*Construction Work on Canal Property*

54. Except under written permit from the Director or the Superintending Engineer, no person shall construct any driveway or footpath upon canal property, and no person shall dig up, bore or tunnel under any part of the canal system, or dig or drill a well for water or other purpose upon canal property, and no person shall remove any house or building on, along or across any part of the canal system.

*Compliance with Signs*

55. No person shall stand, walk or loiter and no person shall drive, ride or park any vehicle or animal upon any place where a sign forbidding such action has been placed.

*Use of Roads, Towpaths, Pathways and Grounds*

56. (1) The use of canal roads, towpaths, pathways and grounds shall be subject to the instructions and orders of the Superintending Engineer.

(2) No animal or vehicle shall travel within the canal limits, except upon roads, towpaths, or other places designated for such animals and vehicles, nor shall any animal or vehicle stand on any roadway except at such places as the Superintending Engineer may designate.

*Speed on Roadways*

57. No vehicles shall be driven over canal roadways at a higher rate of speed than thirty-five miles per hour, or such other rate of speed as may be fixed by the Director.

*Highway Traffic at Bridges*

58. (1) No person shall in any way interfere with any gate or other device used in closing a street or roadway at either end of a canal bridge nor attempt to pass such gate or device unless the same is fully open.

(2) Vehicles approaching canal bridges shall be driven in the proper traffic lane and shall not turn out of such lane against opposing traffic or attempt to pass any safety gate or other device for the closing of a street or roadway when such gate or device is not fully opened.

(3) Vehicles shall not pass a red light nor a mechanical wigwag when in motion.

*Driving over Bridges*

59. No person shall drive an automobile at a faster speed than fifteen miles per hour, a motor truck or bus at a faster speed than ten miles per hour, or a horse or cattle at a faster rate than a walk over any canal bridge at which a notice is posted to that effect and any person driving a vehicle or animal over a canal bridge shall keep it in its proper traffic lane.

*Heavy Traffic on Bridges*

60. No vehicle having wheels, treads or other devices that would deface or mar a bridge floor and no vehicle which with its load, if any, weighs more than ten tons shall be taken across any canal bridge by any person (except where a sign is exhibited on or adjoining such bridge fixing the limiting weight at other than ten tons, in which case this sentence shall

**Department of Transport Act—continued**

be taken to read as if the words fixing such limiting weight were put in place of the words "ten tons") except by permission of the Director or the Superintending Engineer.

*Control by Canal Officers*

61. The lockmaster, bridgmaster, marine railway operator or dam-keeper on any canal shall, subject to any directions given by the Director, Superintending Engineer, or Superintendent, be in charge of the canal structure at the point at which he may be stationed and may give such orders, directions and instructions with respect to the use, administration or control of the canal as he considers necessary or desirable.

*Swimming and Bathing*

62. No person shall swim or bathe within any area of any canal as may be indicated by a notice prohibiting swimming or bathing.

*Conduct and Language of Visitors*

63. No person within canal boundaries shall speak or act in an unseemly manner.

*Gambling*

64. No person shall operate a gambling device or participate in games of chance within canal boundaries.

*Intoxicated Persons*

65. No intoxicating liquors shall be brought or drunk within the limits of any canal, nor shall any intoxicated person enter upon any portion of the canal.

*Picnics and Regattas*

66. All picnics and regattas within canal limits shall be under the supervision of some person or persons authorized by the Director or the Superintending Engineer and may be held in such places only and at such times as such officer may allow.

*Care of Children*

67. No child under ten years of age shall enter upon canal lands unless in the charge of an adult.

*Sales of Wares*

68. No person, other than authorized lessees or licensees, shall expose articles for sale, do peddling, distribute dodgers or erect a booth, tent, stall or other structure on canal property.

*Soliciting Contributions*

69. (1) No person shall within canal limits beg or solicit patronage for any person or business without written permission of the Director or Superintending Engineer.

(2) No canal officer or other canal employee shall accept fees or gratuities of any kind.

**Department of Transport Act—continued**

*Advertising*

70. No person shall post any placard, notice or advertisement within canal limits except as authorized by the Director or Superintending Engineer.

**Part II**

REGULATIONS RESPECTING PARTICULAR CANALS

LACHINE CANAL

71. Sections 72 to 76 are applicable to the Lachine Canal.

*Radio Communication*

72. (1) The master of every vessel equipped with radio-telephone shall, when within three miles of Lock 5, Lachine, call VAO; he shall state his destination and shall maintain a listening watch while the vessel is within the canal.

(2) Masters of vessels anchored in Lake St. Louis or tied to the entrance wall above Lock 5 overnight shall so advise the despatcher together with the time of anchorage and the vessel's approximate position; the master shall not lift anchor or leave the entrance wall without permission from the despatcher.

(3) No vessel tied up to a wharf in the canal shall leave the wharf without the permission of the despatcher.

*Signal Lights*

73. At the lower entrance to Lock 1, vessels shall keep clear of the entrance while the signal light shows red or when no light is shown.

*Overhead Clearance*

74. No vessel having masts extending ninety feet or more above water level shall travel between Locks 2 and 3 of the Lachine Canal until the owner has furnished the Superintending Engineer or the Superintendent with information concerning the height of such vessel's masts with respect to the vessel's draught markings; and no vessel shall move on that portion of the Lachine Canal with masts extending more than ninety-four feet, eight inches above water level.

*Priority Between Locks 2 and 3*

75. When two vessels are upbound out of East and West Locks 2, the vessel in the West lock has preference to take the lead.

*Vessels Locking in Lock 4*

76. (1) No downbound vessel shall proceed into Lock 4 so far that her stem passes the STOP sign above the lower gates, until the lower gates are opened.

(2) No upbound vessel shall proceed into the lock so far that her stem passes the STOP sign below the upper gates, until the upper gates are opened.

CORNWALL CANAL

77. Sections 78 to 80 are applicable to the Cornwall Canal.



**Department of Transport Act—continued***Radio Communication*

78. (1) The master of every vessel equipped with radiotelephone shall, when within three miles of either entrance of the Cornwall Canal, call CZ6G; the master shall state his destination and shall maintain a listening watch while the vessel is within the canal.

(2) Masters of vessels anchored for the night, in Lake St. Francis, between the Lake and Lock 15, or in Bergin Lake, shall so advise the despatcher together with the time of anchoring and the vessel's approximate position.

(3) The master shall not lift anchor without permission from the despatcher.

*Charges for Building and Repairs in Repair Dock*

79. The charges for building or repairing any vessel in the repair dock at Cornwall are as follows:

(a) for the season of navigation—

(i) for vessels of over 500 gross tons—3 cents per gross ton per day or part thereof plus an admission charge of \$100.00,

(ii) for vessels of 500 gross tons and under—9 cents per lineal foot length per day or part thereof plus and admission charge of \$10.00;

(b) for the non-navigation season—

(i) for vessels of over 500 gross tons—\$400.00 each plus an admission charge of \$50.00,

(ii) for vessels of 500 gross tons and under— $\frac{1}{3}$  cent per lineal foot length per day or part thereof plus an admission charge of \$5.00.

*Signals of Approach*

80. (1) Downbound vessels approaching the signal light about two thousand seven hundred feet upstream from the guard gate shall be governed by such signal light; when the light shows green vessels may proceed; when the light shows flashing red such vessels may pass but must be prepared to tie up if the guard gate is not prepared to receive them; when the light shows steady red or when no light is showing, vessels must tie up to the line of booms upstream from the "Limit of Approach" sign.

(2) No vessel shall enter Lock 20 or the guard gate while the semaphore arms are displayed or when the light on the semaphore shows red. When the light shows green or when the arms are not showing the vessel may proceed.

**WELLAND SHIP CANAL**

81. Sections 82 to 96 are applicable to the Welland Ship Canal.

*Radio Communication*

82. (1) Masters of vessels equipped with radiotelephone shall, when three miles from the outer end of the Port Weller pier and when abreast of the Three Mile Fairway gas and bell buoy off Port Colborne, call VBX.

(2) The master shall state his destination and shall maintain a listening watch while the vessel is within the canal.

**Department of Transport Act—continued**

*Wintering and Lying-Up*

83. (1) Vessels wintering between Lock 8 and the railway bridge at Port Colborne shall vacate their winter berths at the opening of navigation except those on the west side above the approach channel to the Supply Weir.

(2) The rates levied for the services of the Department's canalmen, as set out in section 84, against vessels for the passage through Lock 8 immediately prior to and immediately after wintering or lying-up in the discharge channel from the supply weir at Humberstone immediately below Lock 8, will be allowed to apply on Wintering or Lying-Up Charges imposed under these regulations, when such vessels have come directly from Lake Erie before wintering or lying-up and are returning directly to Lake Erie after wintering or lying-up.

*Canalmen Supplied by the Department—Charges for same*

84. For services of canalmen who handle the vessel lines passed to them by the vessel crews during the operation of locking, charges shall be levied against every vessel entering the locks and shall be payable in advance in cash by the master of the vessel to the officer in charge of the statistical office at Port Weller or Port Colborne, or, if so authorized by the Department, shall be payable by the owner of the vessel at a later date, as follows:

- (a) for each one-way passage through the locks of the canal, vessels not exceeding two hundred and sixty-two feet maximum overall length, a charge of twenty-five dollars; all other vessels, a charge of fifty dollars;
- (b) for each one-way passage through one or more but not all of the locks of the said canal, half the charges set out in paragraph (a), and the full fee for the round trip will be collected at the port of entry;
- (c) on vessels being towed in the canal the foregoing charges shall be based on the overall length of the vessel being towed, and no rate or charge will be made against the tug or tugs doing the towing of such vessels; and
- (d) yachts, small boats or canoes, that are fastened together securely, may be locked through the canal at the charge of a single vessel.

*Charges for Visits of Fire-Fighting Equipment*

85. When the services of fire-fighting personnel and equipment are furnished to a vessel within the limits of the township of Grantham and Her Majesty is liable for payment of the costs of such services, the owner of the vessel involved shall repay to Her Majesty the amount of such costs.

*Traffic Over Movable Bridges*

86. Unless a permit has been issued to the owner by the Superintending Engineer no vehicle shall be moved over a bridge if it has a gross weight in violation of the following specifications:

- (a) the gross weight of a vehicle of four wheels with two axles spaced more than eight feet apart shall not exceed twenty-four thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds;

**Department of Transport Act—continued**

- (b) the gross weight of a vehicle of six wheels, so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty thousand pounds and the weight on one axle shall not exceed fifteen thousand pounds;
- (c) the gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed sixteen thousand pounds and the weight upon one axle shall not exceed twelve thousand pounds; and
- (d) the gross weight of a vehicle, other than those mentioned in the preceding clauses, shall not exceed twenty thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds; if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

*Overhead Clearances at Vertical Lift Bridges*

87. (1) No vessel having masts extending one hundred feet or more above water level shall move in the canal until the owner has furnished the Superintending Engineer or the Superintendent with information concerning the height of such vessel's masts with respect to the vessel's draught markings.

(2) No vessel shall move in the canal with masts extending more than one hundred and seventeen feet above water level.

*Vessels Approaching Canal Bridges*

88. (1) Every vessel approaching and desiring to pass a bridge or pair of bridges over the canal (except upbound at Bridges 1, 3, 6, 7, 8 and 9 or downbound at Bridges 19 and 6) shall sound three long blasts of the whistle or horn when the stem is abreast of the whistling station for such bridge or pair of bridges.

(2) A vessel, upbound or downbound, shall not proceed to pass any bridge until such bridge is in the fully open position and the light thereon shows green and, in the case of the pairs of Bridges 17 and 18, and 20 and 21, until both bridges of the pair are in the fully open position and both showing the green light.

*Vessels in Tow*

89. (1) No tug shall, without permission in writing of the Superintending Engineer, or the Superintendent, tow more than one vessel through any portion of the canal and all conditions contained in such permission shall be complied with; any such vessel handled by one tug shall be propelled with the tug securely tied alongside or astern to insure that the tug will fully control the towed vessel; vessels that are not self-propelled and are longer than two hundred and sixty feet shall be towed through the canal by two tugs, one forward and one aft.

(2) The master of a vessel or tug arriving at Port Colborne or Port Weller with two or more vessels in tow for passage through the canal shall arrange with the Superintending Engineer or the Superintendent for the mooring of such vessels of the tow which cannot proceed immediately through the canal; each vessel moored shall be in charge of a representative of the owner, who shall obey the orders of the Superintending Engineer or the Superintendent in any matter relating to the position of the vessel and the accommodation or fastenings thereof.



**Department of Transport Act—continued**

*Speed of Vessels*

90. The maximum speed for vessels moving in the canal, subject to compliance with all other related regulations, shall be as follows:

- (a) for vessels not exceeding two hundred and sixty feet in overall length, eight miles an hour;
- (b) for upbound vessels exceeding two hundred and sixty feet in overall length, seven miles an hour; and
- (c) for downbound vessels exceeding two hundred and sixty feet in overall length, six miles an hour.

*Vessels Approaching Guard Gate and Lock 7*

91.(1) Masters of vessels approaching the guard gate or upper gate of Lock 7 shall do so with caution, and be prepared to tie up if necessary; no vessel shall moor against a dolphin along the east bank of the canal between the guard gate and Bridge 10 except to wait for the opening of Bridge 10 or the guard gate.

(2) Vessels downbound while waiting for Lock 7 shall normally tie to the east wall between Bridges 8 and 7, but in the case of a strong beam wind, may tie to the west wall; two vessels of two hundred and sixty feet in length or less or one larger vessel may be tied to the east wall north of Bridge 8; on the west wall only one vessel of any one type may be tied.

*Vessel Lines*

92. (1) Every vessel of more than two hundred registered gross tons traversing the Welland Ship Canal shall be equipped with four lines in good condition, of sufficient length and strength so that when placed on mooring posts they shall be able to control the movement of the vessel while locking, to prevent damage to canal equipment or to other vessels that may be in the lock, and to keep the vessel in proper position when the lock is being filled or emptied; in tying up, normally the two lines leading aft shall first be placed on mooring posts by canalmen supplied by the Department, following which the two lines leading forward shall be placed by such canalmen; but in case of emergency, at the discretion of the lockmaster or by direction of the vessel's master, all lines may be placed leading aft. For upbound vessels in locks 1 to 7 heaving lines shall be attached to the mooring cable about 2 feet back of the splice of the eye by means of a clove hitch.

(2) On any self-propelled vessel of more than two hundred registered gross tons the winches from which the mooring lines run shall not be operated until a signal has been received from the lockmaster or canalman that the line has been placed on a mooring post.

(3) Barges that are towed or propelled by an accompanying tug and are not equipped with deck winches, and vessels of two hundred registered gross tons and under that are not equipped with deck winches, shall detail one of the vessel's crew to attend to each of the lines at the the vessel's cleats or mooring bits, whose duty it shall be to take up the slack as the vessel rises or pay out line as the vessel lowers, to prevent the vessel from striking against the gate fenders, the lock gates or other vessels that may be in the lock, and to control the vessel while the lock is being filled or emptied.

(4) When preparing vessel lines for lockage operations, the lines shall be drawn off the winch drums outward through the checks and then laid out on the deck in sufficient length to reach the lock mooring post.



**Department of Transport Act—continued**

(5) Upbound and downbound vessels shall set their lines to the east wall of Locks 1, 2, 3, and 7; to the west wall of Lock 8; and to the centre wall of Locks 4, 5, and 6.

*Heaving Lines*

93. Downbound vessels shall use their own heaving lines.

*Vessels Locking*

94. (1) No downbound vessel shall proceed into a lock so far that her stem passes the STOP sign near the lower gates until the lower gates are opened.

(2) The stem of any upbound vessel shall not pass the STOP sign near the upper gates until the upper gates are opened; the stern of any vessel shall not be less than twenty-five feet from the fender.

(3) A vessel proceeding into a lock shall put her first line ashore when passing the open lock gates and from a point two hundred feet or more before her stem reaches the sign marked STOP on the lock wall near the closed gates she shall be moved into position by her lines and winches only, except that her engine may be worked astern to check her speed or stop.

(4) When two or more vessels are locking together, the leading vessel shall conform to subsections (1), (2) and (3); the following vessel shall manœuvre to a tie-up position by means of lines and the use of her propeller working astern so as to come to a full stop a sufficient distance from the leading vessel to avoid collision.

(5) A vessel with a bow structure extending less than twelve feet above the water surface, when entering Lock 8, shall stop before her bow has reached the sign marked "C. L." on the lock wall; beyond this point the vessel shall manœuvre into position by means of her lines and winches and her stem shall not pass the sign marked STOP on the lock wall; to avoid unnecessary delays where vessels may proceed into Lock 8 for a double or triple lockage, vessels of such low freeboard shall check or tie up to allow a vessel with a bow structure extending twelve feet or more above the water surface to precede it into the lock.

(6) While locking, none of a vessel's mooring lines shall be cast off until the gates and fenders of the lock and the bridge (if any) at the lock are in the fully open position; a signal that the vessel may proceed will be given by the lockmaster to the master of the vessel; the master of the vessel is responsible for the control of the vessel at all times.

*Vessel Movement*

95. (1) Bridge No. 21 (Port Colborne) will be lowered for highway traffic immediately after the passage of each downbound and upbound vessel between the hours of 7.30 a.m. and 8.30 a.m.; 3.30 p.m. and 4.30 p.m.; between 11.30 p.m. and 12.30 a.m.; and no vessel during these periods shall follow, or attempt to follow, another vessel under Bridge No. 21 unless the bridge has been lowered between such two vessels.

(2) Vessels shall not be turned in the canal except at the following turning basins:

(a) Port Weller Harbour—for any vessel;

(b) opposite the St. Catharines Wharf—for vessels up to three hundred and fifty feet in length.

**Department of Transport Act—continued**

- (c) Thorold—for any vessel;
- (d) south of Port Robinson—for vessels up to six hundred feet in length;
- (e) opposite the Welland Centre Wharf—for vessels up to two hundred and sixty feet in length, provided that permission has first been obtained from the bridgmaster at Bridge 14;
- (f) opposite the Welland South Wharf—for vessels up to two hundred and sixty feet in length, provided that permission has first been obtained from the bridgmaster at Bridge 16;
- (g) North of Lock 8 (Rameys Bend)—for vessels up to five hundred and fifty feet in length, provided that permission has first been obtained from the lockmaster at Lock 8.

(3) Masters of vessels that have been tied to wharves or other sites on the Welland Ship Canal shall, before proceeding farther, obtain permission to do so from the officer in charge at Station VBX at the guard gate or from the officer in charge at the nearest canal structure or, in the following cases, from the officer in charge of the structure indicated in each case:

- (a) St. Catharines Wharf—from Lock 2;
- (b) Thorold Wharf—from the guard gate;
- (c) Ontario Paper Company's wharves—from the Administration Building, Port Weller, by Bell Telephone or from the guard gate by messenger;
- (d) wharf on east side of canal north of Bridge 10—from Bridge 10 by telephone or messenger;
- (e) Welland Centre Wharf—from Bridge 14 by messenger;
- (f) Welland South Wharf—from Bridge 16 by messenger;
- (g) wharf on east side of canal north of Lock 8—from the Administration Building at Lock 8 by Bell Telephone or from Lock 8 by messenger;
- (h) leased areas east of Thorold Turning Basin—from the Administration Building, Port Weller, by Bell Telephone or from Lock 7 by messenger;
- (i) Port Colborne Harbour or the canal south of Bridge 21—from the Administration Building, Port Colborne, or from the guard gate by radio-telephone VBX.

(4) Masters of vessels that have tied up to the canal bank shall report such action to the officer in charge of the nearest canal structure without delay.

(5) Masters of vessels intending to lighten at the Prescott Elevator shall notify the clerk on duty at the Administration Building, Port Weller, before leaving the canal.

(6) When a vessel is approaching, is moored at, or is leaving the Ontario Paper Company Wharf south of the guard gate at Thorold, its propeller shall not be operated when within seventy-five feet north or south of either end of the wharf and any movement shall be made by the use of lines and winches.

**Department of Transport Act—continued***Port Colborne Harbour and Welland Ship Canal Entrance*

96. (1) A vessel downbound, waiting for Lock 8, may moor north of Bridge 20 either to the east wall or the west wall if no vessel is moored to the other wall.

(2) South of highway bridge 21, upbound vessels shall moor on the west side of the harbour and downbound vessels on the east side.

**SAULT STE. MARIE CANAL**

97. Sections 98 to 101 are applicable to the Sault Ste. Marie Canal.

*Radio Communication*

98. The Canadian Sault Ste. Marie Canal radiotelephone VDX shall be used only when normal methods of signalling are inoperative.

*Loading and Unloading of Goods*

99. No goods, other than automobiles, trucks, vehicles with caterpillar traction and ships' stores, shall be loaded or unloaded from or to canal land and such loading or unloading shall be done only with the permission and under the direction of the lockmaster and at such times and locations as will not delay canal traffic.

*Vidal Shoal Cut*

100. No vessel shall overtake or attempt to overtake another vessel between the western end of the Vidal Shoal Cut and the upper entrance to the lock.

*Vessels Approaching Lock*

101. (1) Vessels approaching the lock shall not pass the WAIT FOR SIGNAL signs erected on the entrance piers while the signal light near the lock shows steady red or when no light is showing; when the signal light shows flashing red the vessel whose turn it is to lock next shall pass the WAIT FOR SIGNAL sign and proceed toward the lock keeping out of the way of outbound vessels, but the stem of any vessel shall not pass the LIMIT OF APPROACH sign until the green light is shown.

(2) Unless otherwise directed by the Superintending Engineer or the lockmaster, upbound vessels shall not make fast to the north lower entrance pier.

(3) The signal, to be given by vessels approaching the lock, shall be three long and two short blasts of the whistle or horn.

(4) Subsection (4) of section 92 and subsections (1), (2), (3) and (4) of section 94 are applicable to the Sault Ste. Marie Canal.

**RIDEAU CANAL**

102. Sections 103 to 106 are applicable to the Rideau Canal.

*Building, Repairing and Breaking up of Vessels*

103. (1) The charge for building, repairing or breaking up any vessel in the canal or on canal land is twenty-five dollars per vessel, except that for small repairs that can be completed within ten hours, vessels may be given written permission for drying off in a lock at a charge of ten dollars.



## Department of Transport Act—continued

(2) When any vessel requires to pass through a lock in which another vessel is being drydocked for such minor repairs, the latter vessel shall be removed from the lock in sufficient time to allow the approaching vessel to enter the lock without delay; the vessel being repaired may again enter the lock for completion of its repairs as soon as the lock is available.

### *Skiffs and Canoes*

104. No skiff or canoe shall be locked on the canal between the hours of sunset and sunrise; and during daylight it shall be optional with the lockmaster either to pass it through the locks or have it otherwise conveyed from one level to the other; such passage or conveyance shall be at the risk of the owner, who shall assist in any manner considered necessary by the lockmaster.

### *Vessels with Open Exhaust*

105. Except for the purpose of participation in a regatta or race and with the prior permission of the Director, no vessel shall run with open exhaust on the canal.

### *Dow's Lake*

106. (1) No vessel on Dow's Lake shall proceed at a speed greater than six miles per hour; sight-seeing boats or pleasure craft may enter and circle around on Dow's Lake, but engine testing, speed testing and continuous circling around of any vessel is prohibited.

(2) No vessel shall moor to or lie alongside the boom across Dow's Lake at any time, nor anchor or lie in the lake itself (except at the Federal District Commission's boat house by consent of that Commission) between the hours of sunset and sunrise.

### TRENT CANAL

107. Sections 104 and 105 and 108 to 111 are applicable to the Trent Canal.

### *Charges for use of Dry Dock, Locks and Unwatered Reaches*

108. (1) Upon permission, obtained in advance, from the Superintending Engineer, the Trent Canal dry dock at Bobcaygeon may be utilized during the navigation season for the drydocking of vessels for repairs upon payment of twenty dollars for the first day or part thereof and five dollars for each additional day or part thereof.

(2) Upper Flight Locks 12 and 17 may be utilized during the navigation season for making small emergency repairs to vessels upon payment of twenty dollars per eight hours or part thereof; when any vessel requires to pass through a lock in which another vessel is being drydocked for such repairs, the latter vessel shall be removed from the lock in sufficient time to allow the approaching vessel to enter the lock without delay; the vessel being repaired may again enter the lock for completion of its repairs as soon as the lock is available.

### *Hydraulic Lift Locks at Peterborough and Kirkfield*

109. (1) If the lockmaster of either of the hydraulic lift locks at Peterborough or Kirkfield is of the opinion that lockage of a vessel may be dangerous, he may prohibit such lockage.



**Department of Transport Act—continued**

(2) Any downbound vessel whose machinery is defective shall not proceed into either of these locks and, in order to test its machinery, every downbound vessel shall stop and reverse when approximately one thousand feet from either of these locks, that is in the case of the Peterborough lock immediately before reaching the Norwood Road bridge and, in the case of the Kirkfield lock, immediately before reaching the mouth of the Rock Cut.

(3) No vessel shall turn in the upper reach within a distance of one thousand feet of the lock chambers.

(4) Between the upper end of the centre pier above the lock gates and a point one hundred feet below the chamber gates in the lower reach, no vessel shall be moved except by lines and subject to the orders of the lockmaster.

(5) All vessel crews shall keep their vessels clear of the chamber gate frames.

(6) No person shall ride on the lock chamber while the lock is in operation.

(7) No person, except the lockmaster or a canal employee, shall handle any operating lever.

(8) No vessel of five tons or less shall be locked through the Peterborough Lift Lock except at 9 a.m., 2 p.m., and 7 p.m. unless such vessel is engaged in commercial business, or is on a continuous trip upbound from Rice Lake or downbound from Lakefield.

*Aids to Navigation*

110. No person shall move, alter, destroy, repaint or otherwise interfere with any aid to navigation; or moor to any aid to navigation; or set out any buoys or navigation markers in the Trent Canal or its subsidiary waters.

*Marine Railways*

111. No vessel shall be permitted to use the marine railways at Swift Rapids and Big Chute that weighs more than fifteen tons laden or exceed four feet in draught, thirteen feet, six inches in overall beam, or fifty feet in length.

**Part III****GENERAL**

112. Every person who violates subsection (1) of section 19, section 22, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 105 or 106, is liable to a penalty not exceeding twenty-five dollars.

113. Every person who violates section 14, subsection (4) of section 19, section 24, 26, 42, 43, subsection (4) of section 44, section 45, 90 or subsection (2), (3), (4), (5) or (6) of section 95, is liable to a penalty not exceeding two hundred dollars.

114. Every person who violates section 7, 9, subsection (2) or (3) of section 19, section 23, subsection (1), (2) or (3) of section 44, section 76, subsection (2) of section 88, subsection (1) of section 94 or subsection (1) of section 95 is liable to a penalty not exceeding four hundred dollars.

115. Every person who violates any section of these regulations for the violation of which no penalty is elsewhere provided in these regulations is liable to a penalty not exceeding one hundred dollars.

**Department of Transport Act—continued**

116. Every person shall comply with any order, direction or instructions given to him pursuant to these regulations.

117. No person shall obstruct an officer or employee in the execution of his duty under these regulations and no person shall address any canal officer or employee while on duty with profane or abusive language.

118. The owner of a vessel, and the person in charge of a vehicle, animal or other thing, by means of or in relation to which any of these regulations have been violated, is liable for the penalties prescribed for such violation, in addition to any other person who may be liable under these regulations for such violation.

119. (1) Where in the opinion of the Director or the Superintending Engineer any person has incurred any charges, damages or penalties under these regulations in respect of any transaction, matter or thing, the Director or the Superintending Engineer may estimate the amount of the charges, damages or penalties that in his opinion have been incurred or ought to be paid.

(2) The Director or the Superintending Engineer or the Superintendent may seize any vessel, vehicle, animal or other thing, by or in relation to which any charges, damages or penalties have in his opinion been incurred and may detain it until the amount estimated in respect thereof under subsection (1) has been paid or until security, in cash, for the payment of such amount is deposited with the Minister.

(3) If, within thirty days after anything has been seized under this section, the amount estimated under this section in respect thereof is not paid and no deposit is made as security for the payment thereof, the thing seized and detained may be sold by public auction and the proceeds applied in payment of the amount so estimated, and the balance, if any, shall be paid to the owner of the thing seized.

(4) Payment of the amount of any penalty estimated under this section operates in full satisfaction thereof and no further penalties are payable by the same person in respect of the same transaction, matter or thing.

120. The owner of any vessel or vehicle is liable to the Crown for injury or damage caused by such vessel or vehicle to Crown property.

**Schedule A**

CANALS UNDER JURISDICTION OF DEPARTMENT

*Main Route Canals*

<i>Name</i>	<i>District Office</i>	<i>Statistical Office</i>
Lachine	Quebec Canals, Montreal, Que.	Montreal, Que.
Soulanges	Quebec Canals, Montreal, Que.	Cascades Pt., Que.
Cornwall	Ont.-St. Lawrence Canals, Cornwall	Cornwall, Ont.
Farran Point	Ont.-St. Lawrence Canals, Cornwall	Cardinal, Ont. } Williamsburg Canals
Rapide Plat	Ont.-St. Lawrence Canals, Cornwall	
Galop	Ont.-St. Lawrence Canals, Cornwall	
Welland Ship	Welland Canals, St. Catharines	Port Colborne, Ont. Port Weller, Ont.
Sault Ste. Marie	Sault Ste. Marie, Ontario	Sault Ste. Marie, Ont.

Department of Transport Act—*continued*

## Secondary Canals

St. Peters	Ont.-St. Lawrence Canals, Cornwall	St. Peters, N.S.	}	Richelieu River Canals
St. Ours	Quebec Canals, Montreal, Que.	St. Ours Lock		
Chambly	Quebec Canals, Montreal, Que.	Chambly Basin		
Ste. Anne	Quebec Canals, Montreal, Que.	Ste. Anne, Que.	}	Ottawa River Canals
Carillon	Quebec Canals, Montreal, Que.	Carillon, Que.		
Grenville	Quebec Canals, Montreal, Que.			
Rideau	Ottawa, Ontario	} Ottawa, Ont. Smiths Falls, Ont. Kingston Mills, Ont.		
Old Galop	Ont.-St. Lawrence Canals, Cornwall			
Trent	Trent Canal, Peterborough, Ont.			
Murray	Trent Canal, Peterborough, Ont.	At each lock Brighton Road Bridge Port Dalhousie, Ont.		
3rd Welland	Welland Canals, St. Catharines, Ont.			

## Schedule B

## ENTRY FOR PURPOSE OF OBTAINING LET PASS

## Column 1

## Column 2

Lachine	—Upbound	—Into east or west Lock 1.
Welland Ship	—Upbound	—Into Port Weller Harbour, tying up to the west wall north of Lock 1.
	—Downbound	—Into Port Colborne Harbour, tying up to harbour wall south of Bridge 21.
Third Welland	—Upbound	—Into Port Dalhousie Harbour, tying up to west harbour wall north of Lock 1.
Sault Ste. Marie	—Upbound or Downbound	—Into the Lock.
Rideau	—Upbound from Ottawa River —Upbound from Lake Ontario	—Into Lock 2. —Into Lock 49 at Kingston Mills.
Trent	—Upbound from Bay of Quinte or Trenton Harbour —Upbound from Georgian Bay	—Into Lock 1. —Into Port Severn Lock.
Murray	—Upbound or Downbound	—to, but not through, the Brighton Road Bridge.
St. Peters	—Upbound or Downbound	—Into the Lock.

Department of Transport Act—continued

Schedule C

DRAUGHT LIMITS

Canal	Depth of Water
Lachine Canal from lower entrance to Basin 2 and Wellington Basin.....	17-0 feet
remainder of Lachine Canal.....	14-0 feet
Soulanges Canal.....	14-0 feet
Cornwall Canal.....	14-0 feet
Farran Point Canal.....	16-0 feet
Rapide Plat Canal.....	14-0 feet
Galop Canal.....	14-0 feet
Welland Ship Canal.....	23-5 feet
Sault Ste. Marie Canal.....	The draught recommended from time to time by the Director or Superintending Engineer.
St. Peters Canal.....	17-0 feet
St. Ours Canal.....	12-0 feet
Chambly Canal.....	6-5 feet
Ottawa River Canals.....	9-0 feet
Rideau Canal.....	5-5 feet
Murray Canal.....	9-5 feet
Third Welland Canal.....	14-0 feet
Trent Canal—	
Bay of Quinte to lower entrance Lock 19.....	8-0 feet
Lower entrance Lock 19 to Swift Rapids.....	6-0 feet
Swift Rapids and Big Chute Marine Railways.....	4-0 feet
Big Chute to Georgian Bay.....	6-0 feet
Lindsay to Lake Scugog.....	4-0 feet

Schedule D

TOP WHARFAGE

Description	Basis	Rates (Cents)	
		at sites providing, in the opinion of the Director	
		less than 17' draught	17' draught or greater
Automobiles—			
(1) Accompanied by passengers.....	Each	15	25
(2) Not accompanied by passengers.....	Each	100	150
Trucks and vehicles with caterpillar traction—			
(1) Weighing five tons or less.....	Each	100	150
(2) Weighing more than five tons.....	Each	200	300
Iron Ore—			
(1) North American.....	Per ton	4	5
(2) Not otherwise specified.....	Per ton	5	7
Iron or Steel Products—			
(1) Billets, blooms, pig and spiegeleisen.....	Per ton	6	8
(2) Bands, bars, hoop iron, plates, rods, sheets, skelp and strips.....	Per ton	8	10
(3) Machinery, ferro-alloys, piping, rails, structural shapes, tubing and all iron and steel products not otherwise specified.....	Per ton	12	15
Scrap metal.....	Per ton	5	7
Coal—			
(1) Anthracite.....	Per ton	8	10
(2) Bituminous.....	Per ton	6	8
Coke.....	Per ton	6	8



Department of Transport Act—*continued*

## Schedule D

TOP WHARFAGE—*Concluded*

Description	Basis	Rates (Cents)	
		at sites providing, in the opinion of the Director	
		less than 17' draught	17' draught or greater
Oil products not otherwise specified—			
(1) In containers.....	Per ton	20	25
(2) Not in containers.....	Per ton	7	9
Pitch and Tar in bulk.....	Per ton	7	9
Creosote.....	Per ton	10	12
Sand, gravel, broken stone and limestone blocks.....	Per cu. yd.	4	5½
Lumber, logs, poles, piling and ties.....	Per M ft. b.m.	12	15
Pulpwood, cordwood and slabs.....	Per cord	4	6
Grain.....	Per ton	3	4
Flour.....	Per ton	6	8
Fertilizer, organic and chemical.....	Per ton	10	12
Package freight (not otherwise specified).....	Per ton	8	10
Bulk freight (not otherwise specified).....	Per ton	4	6

(Note section 28, subsection 7)

## Schedule E

## WEIGHTS FOR COMPUTATION OF TOP WHARFAGE

Commodity	Basis	Weight (Pounds)
Lumber, logs, poles and ties.....	Per M ft. b.m.....	3,300
Pulp wood.....	Per cord.....	4,000
Cordwood.....	Per cord.....	6,000
Oil Products—		
(1) Gasoline.....	Per 270 Imp. gals.....	2,000
(2) Refined oil (kerosene).....	Per 245 Imp. gals.....	2,000
(3) Crude oil.....	Per 230 Imp. gals.....	2,000
(4) Fuel oil.....	Per 225 Imp. gals.....	2,000
Flour.....	Per barrel.....	200
Cement.....	Per barrel.....	350

**Department of Transport Act—concluded**

**Schedule F**

WINTERING CHARGES

- (a) On the Lachine, Soulanges, Cornwall, Williamsburg, Welland Ship, Second and Third Welland, Sault Ste. Marie, Carillon, Grenville, Ste. Anne, St. Ours, St. Peters and Murray Canals and at the Government Dams at Valleyfield—  
Two cents per gross ton, with a minimum charge of ten dollars;
- (b) On the Trent Canal—
  - (i) In Dry Dock—forty dollars,
  - (ii) In any lock—fifty dollars,
  - (iii) In any basin, artificial cut or reach from which the water is withdrawn, twenty dollars;
- (c) On the Rideau and Chambly Canals—
  - (i) In any lock—fifty dollars,
  - (ii) In any basin, artificial cut or reach from which the water is withdrawn, twenty dollars,
  - (iii) On other canal lands, ten dollars.

**Schedule G**

LYING-UP CHARGES

- (a) On the Lachine, Soulanges, Cornwall, Williamsburg, Welland Ship, Second and Third Welland, Sault Ste. Marie, Carillon, Grenville, St. Anne, St. Ours, Chambly, St. Peters and Murray Canals and at the Government Dams at Valleyfield—  
two cents per gross ton per thirty days or part thereof;
- (b) On the canals not specified in paragraph (a),  
no Lying-Up Charges shall be levied.

**Schedule H**

BUILDING, REPAIRING OR BREAKING UP

- (a) During any navigation season—
  - (i) If within a lying-up area, the rates provided for in Schedule G for Lying-Up Charges,
  - (ii) If not within a lying-up area, the rates provided for in section 29;
- (b) During any non-navigation season—  
five dollars for vessels of up to one hundred tons gross tonnage and five cents for each ton additional, which rates shall be inclusive of the rates for Wintering Charges.

STATUTORY ORDERS AND REGULATIONS  
DEPARTMENT OF VETERANS AFFAIRS ACT.  
(R.S.C., 1952, c. 80)

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### 1. Vetcraft Shops Regulations

P.C. 1953-502

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 31st day of March, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and under the authority of the Department of Veterans Affairs Act, is pleased to order as follows:—

1. The regulations relating to the operation of sheltered employment workshops for veterans disabled by age or other physical infirmity, established by Order in Council P.C. 6242 of 28th December 1950, as amended, are hereby revoked, effective April 1, 1953; and

2. The following regulations entitled the "Vetcraft Shops Regulations" are hereby made and established, effective April 1, 1953, in substitution for the regulations hereby revoked.

#### *The Vetcraft Shops Regulations*

1. The Minister of Veterans Affairs, pursuant to the Department of Veterans Affairs Act, may operate sheltered employment workshops known as Vetcraft Shops.

2. Workers in the Vetcraft Shops shall be paid wage rates recommended by the Minister and approved by the Treasury Board, the cost thereof to be chargeable to the vote provided for the Prosthetic Services.

**Department of Veterans Affairs Act—continued**

3. The following days shall be allowed as holidays with pay:
  - New Year's Day
  - Good Friday
  - Easter Monday
  - Victoria Day
  - The birthday of the reigning Sovereign, or the day fixed by proclamation by the Governor in Council for the celebration thereof
  - Dominion Day
  - Labour Day
  - Any day appointed by proclamation by the Governor in Council to be observed as a general fast or thanksgiving
  - Remembrance Day
  - Christmas Day
  - and one other holiday to be selected by the Deputy Minister of Veterans Affairs from amongst the remaining holidays observed in the area of employment.

4. Nothing in these regulations shall cause the terms of the Civil Service Act, the Unemployment Insurance Act, 1940, or the Prevailing Rate Employees General Regulations, to apply to workers in such sheltered employment workshops.

5. Workers in the Vetract Shops shall, while in receipt of wages from the Department of Veterans Affairs, be deemed to be employees in the service of Her Majesty within the meaning and for the purposes of the Government Employees Compensation Act, 1947.

6. The Minister may supplement the production of workers in the said workshops, where he deems necessary, by contracting with home-workers on a piece-work basis.

**2. Guardianship of Veterans' Property Regulations**

P.C. 1954-320

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 4th day of March, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Guardianship of Veterans Regulations, established by Order in Council P.C. 5471 of 1st November, 1949, are hereby revoked; and

2. The annexed "Guardianship of Veterans' Property Regulations" made by the Minister of Veterans Affairs are hereby approved and established in substitution for the regulations hereby revoked.

**GUARDIANSHIP OF VETERANS' PROPERTY REGULATIONS**

1. These regulations may be cited as the *Guardianship of Veterans' Property Regulations*.



**Department of Veterans Affairs Act—continued**

2. In these regulations,

- (a) "Act" means the Department of Veterans' Affairs Act;
- (b) "Department" means the Department of Veterans Affairs;
- (c) "Deputy Minister" means the Deputy Minister of Veterans Affairs, and
- (d) "Minister" means the Minister of Veterans Affairs.

3. The Deputy Minister may receive and retain any property of, or moneys payable to or on behalf of, any person, who is being or has been cared for under the provisions of the Act either by medical treatment, training or otherwise, or his dependents.

4. Where an insane person is being or has been cared for under the provisions of the Act either by medical treatment, training or otherwise, the Deputy Minister may assume guardianship in whole or in part in respect of any property held or moneys payable by the Crown or any other authority or person on behalf of such insane person or his dependents.

5. Where, as a result of a person having served in the naval, army or air forces of any country other than Canada, moneys become payable to him or to his dependents or to any other person, the Deputy Minister, when requested to do so by the authority or person making the payment, may assume guardianship of such moneys.

6. Where guardianship is assumed by the Deputy Minister under these regulations he may do all acts and things required by such guardianship, and any notice given in writing by him of the assumption of such guardianship shall be acceptable as evidence thereof.

7. A receipt signed by the Deputy Minister, or by an officer of the Department authorized by the Deputy Minister to sign such receipt, in respect of property and moneys received by the Deputy Minister pursuant to these regulations, shall constitute a full and complete discharge for any property or moneys so received.

8. The Deputy Minister may dispose of any property or moneys held by him under section three, four or five, to the person on whose behalf the property or moneys is held or to the dependents of such person, or where the person is deceased to his estate, or in such other manner on behalf of such person or his dependents as the Deputy Minister may deem expedient or advisable.

9. The Deputy Minister may accept and administer in accordance with the conditions imposed thereon, or if no conditions are imposed as he may deem advisable, property and moneys bequeathed or donated for the benefit of persons coming within the terms or provisions of any Act or Order in Council administered by the Minister and may designate two or more officers of the Department to serve with him as the trustees thereof.

10. Moneys received by the Deputy Minister pursuant to these regulations, other than moneys pertaining to the Disablement Fund, shall be deposited to the credit of the Receiver General of Canada to be held in a special account or accounts, subject to such withdrawals as may from time to time be authorized in accordance with these regulations.

**Department of Veterans Affairs Act—continued**

11. The Deputy Minister may authorize payment of interest, at the rate fixed from time to time by the Minister of Finance with the approval of the Governor in Council, on all moneys held under these regulations and paid into the Consolidated Revenue Fund for a special purpose.

12. The Deputy Minister may, by an instrument in writing, designate two or more officers of the Department to exercise any of the powers vested in and perform any of the duties imposed upon him by these regulations.

**3. Veterans Estates Regulations**

P.C. 1954-1536

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Veterans Estates Regulations, established by Order in Council P.C. 2279 of 13th June, 1947, as amended, are hereby revoked; and

2. The annexed "Veterans Estates Regulations" are hereby approved and established in substitution for the regulations hereby revoked.

VETERANS ESTATES REGULATIONS

1. These regulations may be cited as the *Veterans Estates Regulations*.

2. In these regulations,

(a) "bond" means a bond or other security of the Government of Canada;

(b) "Department" means the Department of Veterans Affairs;

(c) "Estates Officer" means the officer of the Department of Veterans Affairs appointed to administer the service estates of veterans;

(d) "Minister" means the Minister of Veterans Affairs;

(e) "service estate" in respect of a veteran means that part of his personal estate which consists of service pay and allowances and other emoluments emanating from the Crown which at date of death are held to his account by the Department or are due or otherwise payable by the Government of Canada; and effects issued by the Crown which under service regulations he is allowed to retain, and all personal belongings in the care or custody of the Department, including cash on hand; and

(f) "veteran" means any former member of the Canadian Forces who dies or has died, otherwise than during his service as a member of such Forces, while receiving hospital treatment or institutional care under the control or direction of the Department for any disability incurred during his service as a member of such Forces.

**Department of Veterans Affairs Act—continued**

3. On the death of a veteran, the District Administrator of the District in which death occurs shall promptly forward notice thereof to the Estates Officer giving particulars thereof and of next-of-kin, together with the original of the last Will of the deceased if it is in Departmental custody and, if not, information as to where it may be located, if known, and an inventory of the personal effects including cash on hand, and a statement of the District Treasury Officer of the district with itemized particulars, of the total amount held in trust for the deceased's account and of any known debts of the deceased shall be attached to such notice; and the District Administrator shall retain all such assets pending receipt of directions from the Estates Officer.

4. (1) Preferential charges on the service estate of a veteran are service debts, and a first charge or lien against the estate; they are payable by the Estates Officer in preference to all other debts and liabilities, in the following order:

- (a) service quarters;
- (b) mess, canteen, band and other service accounts; and
- (c) service clothing, appointments and equipment, purchased by a veteran, not exceeding a sum equal to six months' service pay of the deceased, and having become due within eighteen months before his death.

(2) Where a doubt or difference arises in relation to any preferential charge, or the payment or disposition thereof, the Minister's decision shall be final and binding on all persons for all purposes.

5. The Estates Officer shall administer the service estates of veterans, and

- (a) where, in a Will of a veteran, an executor has been named and such nominee has been appointed executor by a Court of competent jurisdiction, or where an administrator or an administrator with Will annexed has been appointed by a Court of competent jurisdiction, or where the executor named in an unprobated Will has proved to the satisfaction of the Estates Officer that such Will is the last Will of the deceased and that he has assumed the executorship or become an executor *de son tort* or is willing to accept the executorship of such Will, the Estates Officer may cause to be delivered over to such executor or administrator, for distribution, the net assets of the said service estate in his possession;
- (b) where, in a Will of a veteran, an executor has been named and such nominee has not been appointed executor by a Court of competent jurisdiction, or where no administrator has been appointed by a Court of competent jurisdiction, the Estates Officer may cause to be distributed the net assets of the said estate in accordance with the law applicable in each case to the distribution of personal estates; or
- (c) where, under paragraph (b), no distribution, or only a partial distribution, of any service estate can be made in accordance with such laws, the Estates Officer shall convert the net assets, or such balance thereof, into cash and pay the same to the Receiver General of Canada, to be by him deposited in a special



**Department of Veterans Affairs Act—continued**

trust account or accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled thereto.

6. (1) Where, prior to the death of a veteran,
  - (a) he had money on deposit in a bank, post office or other financial institution;
  - (b) a person was indebted to the veteran or held money in trust for him;
  - (c) a person had in his custody or control moneys of the veteran; or
  - (d) the veteran was entitled to an undistributed interest in an estate;

the Estates Officer may direct that the amount to which the veteran was so entitled be paid to the Receiver General of Canada for credit to the deceased's account.

(2) Where the veteran was entitled to an amount jointly with another person or persons, subsection (1) applies thereto if the other person or persons make a request in writing that the Estates Officer distribute that amount with the service estate of the veteran.

(3) Where a bank, financial institution or any person has in its or his custody or control a bond belonging to a veteran, the Estates Officer may receive the bond and either sell or present it for redemption, and cause the proceeds to be paid to the Receiver General of Canada for credit to the deceased's account or, upon the written request of the person legally entitled upon distribution of the estate, cause the bond to be registered in such person's name or be transferred into bearer form and be delivered to him.

(4) Where a bank, financial institution or any person has in its or his custody or control a bond that belonged to a veteran and some other person or persons jointly or in which a veteran has a limited or partial interest only, the Estates Officer may, if the other persons interested therein request the Estates Officer in writing to distribute the bond with the service estate of the veteran, receive the bond and either sell or present it for redemption or, at the request in writing of the person legally entitled upon distribution of the estate, cause the bond to be registered in such person's name or be transferred into bearer form and be delivered to him.

(5) Where an amount not exceeding fifteen hundred dollars is payable under a life insurance policy to the estate of a veteran, the Estates Officer may direct that the amount payable under the policy be paid to the Receiver General of Canada for credit to the deceased's account.

(6) Where an amount is payable to the legal representatives of a veteran under the provisions of a Government of Canada annuity, the amount so payable may, on the direction of the Estates Officer, be transferred to the credit of the deceased's service account.

(7) This section does not apply in respect of the estate of a veteran where

- (a) the aggregate of the amounts that would otherwise be payable under this section in Canada and the value of the bonds situate in Canada exceeds two thousand dollars, or
- (b) the aggregate of the amounts that would otherwise be payable under this section outside Canada and the value of the bonds situate outside Canada exceeds three thousand dollars.



**Department of Veterans Affairs Act—continued**

(8) All amounts paid to the Receiver General of Canada under this section shall be distributed with the service estate of the veteran.

(9) Where an amount is paid or a bond is delivered pursuant to this section, a receipt therefor and an acquittance in respect of the obligation may be given by the Estates Officer or by any person thereunto authorized by him and a receipt or acquittance given under this section shall have the same effect as though given by the duly authorized legal representatives of the veteran.

(10) The Estates Officer may, on behalf of Her Majesty, agree to indemnify any bank, financial institution or any person who makes a payment or delivers a bond under this section against any liability to make the payment or any part thereof to any other person or to deliver the bond to any other person or against liability to pay succession duty in respect of the amount so paid or the bond.

7. Where a person under the age of twenty-one years is entitled to all or part of the estate of a veteran being administered under these regulations,

(a) the Estates Officer may pay out of the money payable to such person not more than three hundred dollars in any year for his maintenance, welfare or education to a responsible adult or child welfare or protection society recognized by or under the laws of a province; and

(b) there may, on distribution thereof, be paid thereon, out of Departmental appropriations, when some person is authorized to receive payment, interest, in respect of the time it remains in the Consolidated Revenue Fund after the end of the first year after the death, at the rate fixed from time to time by the Minister of Finance with the approval of the Governor in Council.

8. The provisions of section 4 in respect of preferential charges apply to the service estate of a former member who has not died but is receiving hospital treatment or institutional care as a mental case under the control or direction of the Department.

9. Compliance with these regulations with respect to the administration of a service estate shall discharge the Minister, the Estates Officer or other person complying therewith, from all liability by reason of any of the aforementioned assets in his hands having been paid, transmitted, remitted or otherwise dealt with in accordance therewith.

**4. Continuation of Educational Services Regulations**

P.C. 1954-1537

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

HIS EXCELLENCY the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

**Department of Veterans Affairs Act—continued**

1. Order in Council P.C. 5142 of 11th October, 1949, as amended, (The Continuation of Educational Services Order), is hereby revoked; and

2. The annexed "Continuation of Educational Services Regulations" are hereby approved and established in substitution for the Order hereby revoked.

CONTINUATION OF EDUCATIONAL SERVICES REGULATIONS

1. The Department of Veterans Affairs may continue to provide correspondence courses without training allowances, covering approximately the educational service given during the war by Canadian Legion Educational Services Inc., to the following groups:

- (a) members of the naval, army or air forces of Canada, including members of the permanent or regular forces;
- (b) former members of the naval, army or air forces of Canada, and other persons for whose care the Department of Veterans Affairs is responsible, and whose rehabilitation would be facilitated thereby;
- (c) former members of Her Majesty's forces other than those raised in Canada;
- (d) former members of the armed forces of any of the nations allied with Her Majesty in active operations against the enemy in the war which commenced on the first day of September, 1939;
- (e) at the request and expense of the Department of Justice, non-veterans serving terms in penitentiaries;
- (f) non-veteran employees of the Civil Service of Canada, provided that the cost of examining and marking papers shall be borne by the said employees;
- (g) at the request and expense of the Royal Canadian Mounted Police, non-veterans serving in the Royal Canadian Mounted Police;
- (h) merchant seamen who are certified by the Department of Transport as having received or having been eligible to receive a bonus under The Merchant Seamen Special Bonus Order or under The Merchant Seamen War Service Bonus Order, 1944;
- (i) non-veteran inmates of tuberculosis sanatoria in Canada, provided that application for such course is made by the Rehabilitation Officer of the Division of Rehabilitation of the Department of Health, or the Rehabilitation Officer of the provincial Tuberculosis Association responsible for rehabilitation of the applicant and provided, further, that the cost of correcting exercises is paid by the Division of Rehabilitation of the provincial Department of Health or the appropriate provincial Tuberculosis Association;
- (j) non-veterans who are seriously disabled by arthritis, provided that application for each course is approved by the Executive Director of the Canadian Arthritis and Rheumatism Society or his representative, and provided, further, that the cost of correcting exercises is paid to the Department of Veterans Affairs either by the Canadian Arthritis and Rheumatism Society or the individual concerned; and,
- (k) at the request and expense of the government of any province, non-veteran inmates of provincial reform institutions.

**Department of Veterans Affairs Act—continued**

2. No course shall be provided to a former member or non-veteran coming within the groups mentioned in paragraphs (c), (d), (e), (f), (g) or (h) of section 1 unless such former member or non-veteran is resident in Canada.

3. The value of any benefits accruing to a person under section 1 shall not reduce the re-establishment credit of such person, nor reduce any other benefit for which such person is eligible.

4. Appropriate costs of carrying out the provisions of these regulations shall be charged to Veterans' Welfare Services.

**5. Assistance Fund (W.V.A.) Regulations**

P.C. 1954-1538

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Assistance Fund (W.V.A.) Regulations established by Order in Council P.C. 3730 of 6th August, 1952, are hereby revoked; and

2. The annexed "Assistance Fund (W.V.A.) Regulations" made by the Minister of Veterans Affairs for the administration of moneys voted by Parliament from time to time for the purposes of the Assistance Fund (War Veterans Allowances), are hereby approved and established in substitution for the regulations hereby revoked.

**ASSISTANCE FUND (W.V.A.) REGULATIONS**

1. For the purpose of these regulations, "Assistance Fund" means the moneys appropriated by Parliament for the establishment of an Assistance Fund (War Veterans Allowances), and assistance granted pursuant to these regulations shall be chargeable to that appropriation.

2. There shall be at the Head Office of the Department of Veterans Affairs an Assistance Fund Committee composed of

The Deputy Minister of Veterans Affairs who shall be Chairman, or in his absence the Acting Deputy Minister;

The Chairman of the War Veterans Allowance Board, or in his absence the member of the Board acting in his stead;

The Director General of Veterans' Welfare Services, or in his absence the Acting Director General of Veterans' Welfare Services.

3. The Assistance Fund Committee shall

- (a) co-ordinate the work of the District Assistance Fund Committees;
- (b) allocate moneys from the Assistance Fund to District committees as required;



**Department of Veterans Affairs Act—continued**

- (c) issue instructions governing the administration of the Assistance Fund for the guidance of District committees;
- (d) report to the Minister of Veterans Affairs on the operation of the District committees; and
- (e) recommend to the Minister desirable changes in, or additions to, these regulations.

4. (1) In each district of the Department of Veterans Affairs, there shall be District Assistance Fund Committees that will work in the closest collaboration with local welfare, community and veterans' organizations.

(2) Each District committee shall be composed of not less than three nor more than five members, two of whom shall constitute a quorum.

(3) The Chairman shall be the District Administrator, but the District Administrator may appoint the District Superintendent or the Acting District Superintendent of Veterans' Welfare Services, or in sub-districts the Assistant District Administrator, to be Chairman; the remaining members shall occupy positions not below the classification of Social Worker Grade One or its equivalent and shall be appointed by the District Administrator pursuant to instructions to be issued from time to time by the Assistance Fund Committee.

5. The Secretary of a District committee shall keep such record of meetings as the Assistance Fund Committee shall direct.

6. Decisions of District committees shall be signed by two of the members thereof.

7. A recipient under the War Veterans Allowance Act, 1952, whose income is less than that shown in Column III of Schedule A or B to that Act, as the case may be, may be granted on application assistance by the District committee to the maximum allowed by the provisions of the Act relating to income; provided that, in the opinion of the District Committee, such recipient requires financial assistance to relieve distress.

8. Subject to the provisions of the War Veterans Allowances Act, 1952, relating to income, assistance may be provided either in the form of a cash grant to meet emergency situations, or on a monthly basis where it can be established that the recipient's income is insufficient to meet the basic monthly costs of rent, fuel, food and any specific health needs; assistance so granted shall be in accordance with the instructions issued from time to time by the Assistance Fund Committee.

9. Where in any case a District committee is of the opinion that the recipient would be likely to apply the amount of any assistance otherwise than to the best advantage, it may direct the payments to be made to, and administered by, such person or persons as it shall direct.

10. The District committee shall assist the applicant in obtaining financial assistance from any sources, other than the Assistance Fund, to which he may be entitled.



## Department of Veterans Affairs Act—continued

## 6. Veterans Treatment Regulations

P.C. 1954-1933

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Veterans Treatment Regulations, established by Order in Council P.C. 1953-415 of 19th March, 1953, as amended, are hereby revoked; and

2. The annexed "Veterans Treatment Regulations", made by the Minister of Veterans Affairs pursuant to the Department of Veterans Affairs Act, are hereby approved and established in substitution for the regulations hereby revoked.

## VETERANS TREATMENT REGULATIONS

1. These regulations may be cited as the *Veterans Treatment Regulations*.

*Interpretation*

2. In these regulations, unless the context otherwise requires,

- (a) "child" means a legitimate, illegitimate or legally adopted child, or stepchild, of a veteran or other person receiving examination or treatment or care under these regulations, when the child is wholly or partially supported by him;
- (b) "Commission" means the Canadian Pension Commission;
- (c) "Department" means the Department of Veterans Affairs and "Departmental" has a corresponding meaning;
- (d) "Departmental hospital" means a hospital or institution or clinic for the treatment or care of patients which is wholly operated by the Department;
- (e) "dependent" means
  - (i) a person in respect of whom additional pension is being paid pursuant to a decision of the Commission,
  - (ii) a person in respect of whom additional pension would be paid if a pension were being paid under the Pension Act,
  - (iii) a child, and
  - (iv) a woman referred to in paragraph (b) of subsection (8) of section 34;
- (f) "entitlement" means an award by the Commission, effective as of the date fixed by the Commission, which results in payment of pension for disability or would so result if the disability were of an assessable degree sufficient to warrant payment of pension;
- (g) "Minister" means the Minister of Veterans Affairs;

**Department of Veterans Affairs Act—continued**

(h) "overseas service" means

- (i) in the case of the army or air forces during World War I, service in the zone of the allied armies on the continents of Europe, Asia or Africa, or in any other place at which the veteran or other person has sustained injury or contracted disease directly by a hostile act of the enemy;
- (ii) in the case of the naval forces during World War I, service on the high seas or wherever contact has been made with hostile forces of the enemy, or in any other place at which the veteran or other person has sustained injury or contracted disease directly by a hostile act of the enemy;
- (iii) in the case of the naval, army or air forces during World War II, service on or before March 31, 1946, involving duties required to be performed outside the Western Hemisphere, and includes service on or before March 31, 1946 involving duties required to be performed outside Canada and the United States of America and the territorial waters thereof in aircraft or anywhere in a ship or other vessel, service in which is classed as 'sea time' for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of Canada; and
- (iv) in the case of service on or after July 5, 1950, service in a theatre of operations, which means the service of a member of the Canadian forces from the time of any departure of his from Canada or the continental United States of America including Alaska before July 27, 1953, to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea until
  - (a) he next returns to Canada or the continental United States of America including Alaska, or
  - (b) he is next posted to a unit, establishment or ship that is not participating in such operations, or
  - (c) the unit, establishment or ship with which he is serving having ceased to participate in such operations, arrives at the place to which it has been next assigned, or
  - (d) October 31, 1953,
 whichever is the earliest;

(i) "pension" means a payment for disability

- (i) under the Pension Act and includes additional pension, temporary pension, additional payment, final payment or any other payment awarded under that Act other than pension awarded under subsection (2) of section 14 or under section 25 thereof,
- (ii) under the Civilian War Pensions and Allowances Act, or under any other Act or regulation of any country providing for a payment of a similar nature;

(j) "service disability" means a disability which is the result of an injury or disease in respect of which entitlement has been conceded under subsection (1) of section 13 or subsection (4) of section 14 of the Pension Act, effective as of the date of entitlement as fixed by the Commission;

**Department of Veterans Affairs Act—continued**

- (k) "special force" means the Royal Canadian Navy Special Force, Canadian Army Special Force and the Royal Canadian Air Force Special Force, as constituted from time to time by the Minister of National Defence;
- (l) "treatment" means medical, surgical and dental treatment, and includes the supply and maintenance of prosthetic appliances;
- (m) "veteran" means any person who, during World War I, has served in any of the naval, army or air forces of Canada or Newfoundland or, during World War II, has served on active service in any of such forces or, on or after July 5, 1950,
  - (i) was enrolled for the purpose of serving in the special force and who has been discharged from such force,
  - (ii) was an officer or man of the reserve forces who has been on service in a theatre of operations on the strength of the special force and whose service with the regular forces has been terminated,
  - (iii) was a member of the regular forces who has been on service before July 27, 1953, in a theatre of operations on the strength of the special force and who has been discharged from the regular forces, or
  - (iv) was granted entitlement by virtue of section 5 of the Veterans Benefit Act, 1954;
- (n) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands;
- (o) "World War I" means the war waged by the German Emperor and his Allies against His Majesty and His Majesty's Allies during the period between August 4, 1914 and August 31, 1921, both dates inclusive; and
- (p) "World War II" means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies during the period between September 1, 1939 and September 30, 1947, both dates inclusive.

*Examination, Treatment, Care and Ancillary Benefits*

3. Subject to these regulations, examination, treatment and domiciliary care may be provided to a veteran or other person in hospital or elsewhere under the supervision of a licensed medical or dental practitioner approved by the Department.

4. Ancillary benefits may be granted as specified and provided for in these regulations.

*Pensionable Disabilities*

5. Treatment may be given to a veteran for a service disability.

6. Treatment may be given to a person for a disability for which pension is being paid under section 50, 51 or 52 of the Pension Act and no pension is being paid by another government, or for which pension is being paid under section 54, 55 or 56 of the Pension Act, or for which entitlement has been conceded

(a) by virtue of subsection (7) of section 13 of the Pension Act;



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- (b) under the Civilian War Pensions and Allowances Act other than under Parts IV and V thereof;
- (c) by virtue of the Special Operators War Service Benefits Act;
- (d) under the Flying Accidents Compensation Order;
- (e) by virtue of regulations under section 217 of the National Defence Act to provide compensation for Red Cross workers in the Far East; or
- (f) under subsection (2) of section 13 of the Pension Act.

**7. Treatment may be given to**

- (a) a person for a disability for which pension is being paid under the Vote providing for Newfoundland Special Awards; or
- (b) a member of the regular forces of Canada or of the Royal Canadian Mounted Police for a service disability.

**8. Treatment may be given to a veteran, while undergoing imprisonment and at the request of the responsible prison authorities, for a service disability, subject to the following conditions:**

- (a) that the prison medical officer certifies that such treatment is needed and cannot be given in the institution where the veteran is confined;
- (b) that, when treatment is needed for a mental disease, the veteran is not being held under a Lieutenant-Governor's warrant; and
- (c) that the Department shall not be liable for his custody during treatment.

*Non-pensionable Disabilities*

**9. Treatment may be given to a veteran, as defined in subparagraphs (i), (ii) and (iii) of paragraph (m) of section 2, for a disability which was present at the termination of service on the strength of the special force, subject to the following conditions:**

- (a) that he received an honourable discharge from service;
- (b) that treatment is commenced within thirty days after discharge from the Canadian forces, provided that
  - (i) such discharge occurs within six months of termination of service on the strength of the special force, and
  - (ii) where the lack of the necessary professional, technical or other treatment services or medical judgment prevents such commencement, treatment may be commenced on the authority of the Director General of Treatment Services on a date not later than one year after such discharge; and
- (c) that treatment shall be continuous and shall not be given for a period in excess of his period of service on the strength of the special force and in no case for more than one year; provided that, where the period of service is less than one year, treatment for a service disability may be given continuously for one year from the commencement of treatment under this section.



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10. (1) Subject to subsection (2), treatment may be given in Canada to
  - (a) a veteran, as defined in subparagraphs (i), (ii) and (iii) of paragraph (m) of section 2, provided that
    - (i) treatment is commenced within one year after discharge from the Canadian forces or after termination of treatment under section 9, and
    - (ii) discharge from the Canadian forces occurs within six months of termination of service on the strength of the special force; or
  - (b) a veteran or other person who is undergoing, or has been approved for, a course of training under section 8, 9 or 11 of the Veterans Rehabilitation Act and needs treatment for his rehabilitation.
- (2) Treatment under subsection (1) shall not be given
  - (a) unless the veteran received an honourable discharge from service;
  - (b) if the veteran or other person is entitled to treatment under section 5, 6 or 22; and
  - (c) for one or more disabilities for a period, or for a total of various periods, in excess of the total period of service of the veteran or other person during World War II or while on the strength of the special force, as the case may be, and in no case for more than one year; provided that in any case any period of treatment given under section 11 shall be deducted.
11. (1) Where a former member of the regular forces of Canada is discharged from such forces prior to July 1, 1954, treatment may be given to him in Canada for a disability that was present at the time of such discharge, provided that
  - (a) he is not entitled to treatment under section 5, 6 or 22;
  - (b) treatment is commenced within one year after discharge from such forces or, where treatment is required for a dental disability, treatment is commenced within sixty days after discharge; and
  - (c) treatment shall not be given for a period, or for a total of various periods, in excess of the period of service with such forces and in no case for more than one year.
- (2) Where a former member of the regular forces of Canada is discharged from such forces on or after July 1, 1954, treatment may be given to him in Canada for a disability for which he is receiving treatment in hospital at the time of such discharge, provided that
  - (a) he is not entitled to treatment under section 5, 6 or 22;
  - (b) treatment shall be continuous from the date of his discharge from such forces; and
  - (c) treatment shall not be given for a period in excess of the period of service with such forces and in no case for more than one year.
- (3) The cost to the Department of treatment under subsection (1) or (2), including any amounts expended for allowances, burials or transportation, shall be recovered from the Department of National Defence by an annual billing.
12. (1) Subject to subsections (2) and (3), treatment may be given in Canada to a veteran within the meaning of the War Veterans Allowance Act, 1952, whose service and limited income and other circumstances

**Department of Veterans Affairs Act—continued**

entitle him to be a recipient under that Act, or to such veteran who would be a recipient if the pension under the Old Age Security Act received by him or his spouse or both were deducted from his income.

(2) Treatment under subsection (1) shall not be given where such veteran is entitled to treatment under section 5, 6 or 22.

(3) Treatment under subsection (1) shall be given in a Departmental hospital or in the Departmental pavilion or wing of a non-Departmental hospital; provided, however,

- (a) that tuberculosis and mental disease shall ordinarily be treated in a non-Departmental hospital, and
- (b) that, where it is in the treatment interests of the recipient and in the public interest, treatment may be given in another recognized hospital or elsewhere than in hospital.

13. (1) Subject to subsection (2), treatment may be given to

- (a) a veteran who
  - (i) is receiving pension for a disability related to the service which qualified him as a veteran, or had overseas service and was honourably discharged, or
  - (ii) served in World War I, and in World War II on or before August 15, 1945, and was honourably discharged;
- (b) a person who served
  - (i) in World War I, or in World War II, in any of His Majesty's forces other than those of Canada, or in any of the forces of His Majesty's Allies or of the Powers associated with His Majesty, and who was resident or domiciled in Canada or Newfoundland on August 4, 1914 if service was in World War I, or on September 1, 1939 if service was in World War II, or was not so resident or domiciled but has resided in Canada or Newfoundland for a total period of at least twenty years and who, in any case, is receiving pension for a disability related to such service, or had overseas service and was honourably discharged, or
  - (ii) in World War I in any of His Majesty's forces other than those of Canada and who was domiciled in Canada or Newfoundland when he became a member of such forces, or who served in World War I in any of His Majesty's forces other than those of Canada or in any of the forces of His Majesty's Allies or of the Powers associated with His Majesty and has resided in Canada for a total period of at least twenty years and, in any case, was a veteran who served in World War II on or before August 15, 1945, and was honourably discharged;
- (c) a person who was recruited in Newfoundland in any of the forces raised in Newfoundland by or on behalf of the United Kingdom for service in World War II and who is receiving pension for a disability related to such service, or who had overseas service and was honourably discharged;
- (d) a person who served as a member of a Canadian contingent in the zone of the military operations in South Africa in which the forces of the United Kingdom were engaged prior to June 1, 1902, or any former member of His Majesty's forces, other than Canadian forces, who served in that zone during the South African

**Department of Veterans Affairs Act—continued**

War and was domiciled in Canada or Newfoundland immediately prior to October 11, 1899, or was not so domiciled but has resided in Canada or Newfoundland for a total period of at least twenty years, if in any case he landed in South Africa prior to June 1, 1902; or

- (e) a veteran or other person who is undergoing, or has been approved for, a course of training under section 8, 9 or 11 of the Veterans Rehabilitation Act and who needs for his rehabilitation, treatment which cannot be given under section 10.

(2) Treatment under subsection (1) may be given subject to the following conditions:

- (a) that treatment is given at the discretion of the Department only and where it is established to the satisfaction of the Department that the veteran or other person is eligible by reason of limited income and other circumstances according to a scale approved by the Treasury Board, and that he agrees to pay the charges determined by the Department;
- (b) that, where in the opinion of the Minister the veteran or other person is entitled to the treatment from any other source, the Department shall charge such other source to the extent of the entitlement, provided that the charge shall not exceed the cost to the Department;
- (c) that the veteran or other person is not entitled to treatment under section 5, 6 or 22;
- (d) that treatment shall not be given for tuberculosis ordinarily treated in a tuberculosis sanatorium, a mental disease, alcoholism or drug addiction;
- (e) that in-patient treatment to the extent only to which facilities for such treatment are available may be given
  - (i) in a Departmental hospital, or
  - (ii) in the Departmental pavilion or wing of a non-Departmental hospital where the charges permitted by section 3 of the scale are less than the estimated charge for the whole period of treatment,

provided that where the need for immediate treatment of a major medical or surgical condition prevents removal to such hospital, pavilion or wing, and where the veteran or other person qualifies under section 3 of the scale for treatment at no charge, treatment may be given in another recognized hospital in Canada;

- (f) that out-patient treatment may be given only at a Departmental hospital and only where the veteran or other person qualifies under section 3 of the scale for in-patient treatment at no charge;
- (g) that, subject to any direction that may be given by the Department, any payment for the medical and dental services which are not part of the cost to the Department shall be arranged between the practitioner and the veteran or other person and shall not otherwise be the responsibility of the Department; and
- (h) that the Department shall not be responsible for the care of the veteran or other person while being conveyed to hospital.

14. Treatment for a neuropsychiatric disability for which he is not committable, either voluntarily or by certificate, may be given to a veteran in a Departmental hospital or in the Departmental pavilion or wing of a



**Department of Veterans Affairs Act—continued**

non-Departmental hospital in so far as facilities for such treatment are available when such treatment will assist in his rehabilitation and cannot otherwise be given under these regulations.

15. Treatment may be given to a veteran for a venereal disease or a sequela thereof which has been ruled by the Commission to have been incurred during service.

16. Examination and treatment may be given to a veteran who applies for admission to hospital, for treatment of a service disability, where there is uncertainty as to the need for treatment in hospital or as to the primary condition for which treatment is needed.

17. Treatment may be given to an employee of the Department who, while on duty in a Departmental hospital, or in the Departmental pavilion or wing of a non-Departmental hospital, contracts a communicable disease as a direct result of exposure while in attendance on a patient suffering from such disease.

18. Examination or treatment may be given in a Departmental hospital or in the Departmental pavilion of a non-Department hospital to a person referred for such examination or treatment by the Department of National Defence where that Department is responsible for the total cost thereof, and the cost to the Department shall be recovered from the Department of National Defence by an annual billing of an amount arrived at by negotiation between the Department and the Department of National Defence, but such treatment shall not be given to the dependent of such a person.

19. Examination or treatment may be given to a person referred for such examination or treatment by the Royal Canadian Mounted Police where the Royal Canadian Mounted Police is responsible for the total cost thereof, and such cost shall be recovered from the Royal Canadian Mounted Police by an annual billing of an amount arrived at by negotiation between the Department and the Royal Canadian Mounted Police.

20. Examination or treatment may, when deemed by the Department to be in the public interest, be given to a person in a Departmental hospital at the request of a responsible body, politic or corporate, where facilities for such examination or treatment are not otherwise available; provided that such body has assumed liability for the cost thereof.

21. Examination or treatment may be given to a person who is not otherwise eligible under these regulations at the request and expense of any department of the Government of Canada.

22. Examination or treatment may be given to a person who served in His Majesty's force other than those of Canada, or in the forces of His Majesty's Allies or of the Powers associated with His Majesty in the South African War, in World War I or in World War II, at the request and expense of the Government responsible for such forces.

23. Examination or treatment, which cannot otherwise be given under these regulations, may be given in a Departmental hospital where accommodation and facilities are available, to a veteran or a person who served



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in World War I or in World War II in any of His Majesty's forces other than those of Canada or in any of the forces of His Majesty's Allies or of the Powers associated with His Majesty, subject to the following conditions:

- (a) that arrangements satisfactory to the Department for payment of charges for such examination or treatment shall be made by the veteran or other person prior to his admission, and for the payment of or towards those charges
  - (i) he may be required to assign moneys due or payable for hospital services under a hospital or medical service prepayment plan or plans or other policy of insurance, and
  - (ii) the Department may enter into an arrangement with the administrative authorities of any provincial legislation relating to workmen's compensation or of the Government Employees Compensation Act,

and, where necessary, the Department shall require a written guarantee by some financially responsible person for the payment of such charges; and

- (b) that payment for the medical and dental services which are not part of the cost to the Department shall be arranged between the practitioner and the veteran or person, subject to any direction that may be given by the Department, and shall not otherwise be the responsibility of the Department.

24. Treatment may be given in a Departmental hospital to a person who becomes ill or is injured in or near the hospital or is brought to the hospital in a critical condition, subject to the following conditions:

- (a) that his condition is such that he should not be moved to a non-Departmental hospital; and
- (b) that he shall be treated in the hospital only until other suitable arrangements for the continuation of treatment can be made.

25. Treatment may be given to a veteran or other person who is in a Departmental hospital and is no longer otherwise eligible for treatment under these regulations, provided that his disability is such that he should not be discharged or transferred to a non-Departmental hospital or that admission to a non-Departmental hospital cannot be arranged.

*Research*

26. A veteran or other person may, with his consent, be examined or be given treatment for research purposes.

*Examination*

27. A veteran or other person who is referred to the Department by the Commission may be examined in hospital for the purposes of the Commission.

28. A veteran or other person may be examined when such examination is required

- (a) by the Department;
- (b) for the supply and maintenance of a prosthetic appliance;
- (c) by the War Veterans Allowance Board; or
- (d) for the completion of an examination, for the purpose of the Commission, other than under section 27.

**Department of Veterans Affairs Act—continued**

*Domiciliary Care*

29. Domiciliary care, and treatment when needed while receiving such care, may, at the discretion of the Department having regard to his circumstances, be given to a veteran described in subsection (1) of section 12 or to a veteran or other person described in paragraph (a), (b), (c) or (d) of subsection (1) of section 13, subject to the following conditions:

- (a) that the veteran or other person is totally disabled;
- (b) that he shall, if the Department so directs, assign or pay to the Department for administration any or all of his income and resources and, in accordance with a scale set by the Department and approved by the Treasury Board, the Department may, after providing for his dependents and a trust fund and comforts and clothing, apply towards the cost to the Department an amount not exceeding \$120 a month, provided that any pension paid to the Department in respect of dependents shall be used for the benefit of such dependents; and
- (c) that treatment required while receiving domiciliary care shall be given under this section; provided that, when treatment which may be given under section 5, 6 or 22 is required for a continuing period of three months or longer, it may be given under such section.

*Reclassifications*

30. At the discretion of the Department or where the terms of the section under which a person is being examined or receiving treatment or care no longer apply, examination, treatment or care may be given under any other appropriate section.

*Allowances*

31. Subject to section 34, an allowance may be awarded in an amount which, when added to any pension and any award under subsection (2) of section 14 or under section 25 of the Pension Act, but excluding any addition to such pension for blindness, will equal the amount of the pension for one hundred per cent disability less, while an in-patient, a deduction at the rate of \$15 a month, to

- (a) a veteran receiving treatment under section 5; provided that, where pension is payable under section 14 of the Pension Act, the allowance may be awarded only where there is a dependent;
- (b) a person receiving treatment under section 6 or examination under section 27; provided that, in the case of a person referred to in paragraph (f) of section 6, the allowance may be awarded only where no disability allowance is payable by the Department of National Defence; and
- (c) a person receiving examination or treatment under section 22, subject to the following conditions:
  - (i) that the Government concerned has decided that the disability for which he was admitted is service-connected or where the Government concerned has awarded a monetary benefit of the same nature as the allowance,
  - (ii) that domicile within the provisions of section 50, 51, 52 or 54 of the Pension Act has been established to the satisfaction of the Commission, and
  - (iii) that the allowance shall be reduced by the amount of the monetary benefit described in subparagraph (i).

**Department of Veterans Affairs Act—continued**

32. Subject to subsections (4), (5) and (6) of section 34, an allowance may be awarded to a veteran receiving treatment under section 9 at the daily rate with which he was being credited at the time of his discharge, except that Risk, Responsibility, Ration and Quarters Allowances shall not be paid, that Separated Family's Allowance shall be paid only while an in-patient, and that Subsistence Allowance shall be paid only while an out-patient, and subject to the following conditions:

- (a) that, if the allowance payable under section 31 is greater than the allowance payable under this section he may, if eligible, receive treatment under section 5 and the allowance authorized under section 31 may be paid;
- (b) that, where treatment is deferred, the allowance payable shall be reduced by the amount of any earnings received by the veteran during the period of treatment;
- (c) that, if the veteran is entitled to pension under the Defence Services Pension Act, the allowance payable shall be reduced by the amount of such pension in respect of the period for which the allowance is payable; and
- (d) that, unless the Department otherwise directs, an allowance awarded under section 32 shall be paid in arrears during in-patient treatment to or on behalf of a veteran at a rate which, when added to any pension being paid, shall not exceed \$20 a month and any amount of arrears, or of pension paid to the Department for administration, remaining at the termination of a period of in-patient treatment, may be administered by the Department or paid to the veteran or to his dependents.

33. (1) Subject to section 34, an allowance may be awarded to a person receiving treatment under section 10 or 11 at the rate of \$50 a month with an additional allowance for dependents at the following rates:

wife or person in lieu of wife .....	\$40 a month
parent, each .....	25 a month
1st child .....	18 a month
2nd child .....	14 a month
3rd child .....	12 a month
4th, 5th and 6th child, each .....	10 a month

provided that the allowance is reduced, as set forth in subsections (2) and (3), by pension or income in respect of the period for which the allowance is payable.

(2) In the case of a person without dependents, the allowance shall be reduced by income, including disability pension, in excess of \$25 a month and may, while he is in hospital and having regard to his obligations or otherwise, be further reduced by an amount not exceeding \$15 a month.

(3) In the case of a person with a dependent on whose behalf additional allowance is authorized under this section, the allowance shall be reduced by

- (a) the amount of additional pension paid on behalf of the dependent; and
- (b) other income, including pension of the person and income of the spouse but not including pension or income of a dependent on whose behalf no additional allowance is payable, in excess of \$75 a month.



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34. (1) Unless the Department otherwise directs, an allowance awarded under section 31 or 33 shall be paid in arrears during in-patient treatment to or on behalf of a veteran or other person at a rate which, when added to any pension in payment, shall not exceed \$20 a month, and to or on behalf of his dependents, the balance available, and any balance of allowance, or of pension paid to the Department for administration, remaining at the termination of a period of in-patient treatment, may be administered by the Department or paid to the veteran or other person or to his dependents.

(2) An allowance awarded under section 31 shall be paid at the rate for the rank at which entitlement has been conceded.

(3) An allowance awarded under section 31 or 33 shall be increased by an amount equal to any allowance awarded by the Commission for wear and tear of clothing.

(4) The additional allowance which may be awarded under section 31, 32 or 33 in respect of a dependent is the maximum allowed and, in the discretion of the Department, any lesser allowance may be awarded.

(5) An allowance during treatment as an out-patient may be awarded under section 31, 32 or 33 only where the veteran or other person is unfit to undertake substantially gainful employment and is not so employed.

(6) An allowance awarded under section 31, 32 or 33 shall be paid at the rate applicable to a person without dependents when he is not living with or is not fully maintaining his dependent or dependents; provided that, if he was contributing towards the maintenance of such dependent or dependents when treatment commenced, additional allowance may be paid at the ordinary rate or at a rate not exceeding one-half of his monthly contribution, whichever is the lesser; and provided, further, that from the total amount of allowance and additional allowance so awarded such amount as may be deemed necessary may be paid to the dependent or dependents not exceeding, unless the person so requests, the amount of such contribution.

(7) Applications for additional allowance under section 31 in respect of a dependent or dependents, who are eligible for consideration under the provisions of the Pension Act or any other Act or Order in Council administered by the Commission, shall be submitted to the Commission before dependency is recognized.

(8) The additional allowance under section 31 or 33 for a wife may be paid

- (a) where the veteran or other person receiving treatment is a widower and is maintaining a home and where there is a daughter or other person competent to assume and who does assume the household duties and care of a child therein who, if a boy, is less than the age of sixteen years, or, if a girl, is less than the age of seventeen years; or
- (b) in respect of a woman who, although not married to the veteran, was living with him at the time that he became a member of the forces and for a reasonable time prior thereto and on whose account Separation, Dependents' or Marriage Allowance was awarded or to whom assigned pay was paid by the Department of National Defence.

**Department of Veterans Affairs Act—continued**

(9) The additional allowance under section 31 or 33 shall not be awarded

- (a) for a wife when a husband and wife are receiving treatment with allowance at the same time, and their children shall be regarded as dependents of the husband; or
- (b) for any child who is married or who, if a boy, is over the age of sixteen years or, if a girl, is over the age of seventeen years; provided, that additional allowance under section 31 may be paid to such child who is unmarried while
  - (i) he and those responsible for his maintenance are without adequate resources and he is incapacitated by physical or mental infirmity from earning a livelihood; and further provided that no allowance shall be awarded unless such infirmity occurred before he attained the age of twenty-one years; or,
  - (ii) he is following and is making satisfactory progress in a course of instruction approved by the Department, in which case the allowance may be paid until he has attained the age of twenty-one years.

(10) An additional allowance may be awarded under section 31 or 33 in respect of a parent, or person in place of a parent, who is without earning capacity or income sufficient to provide maintenance; provided

- (a) that additional pension for the parent or person has not been refused by the Commission; and
- (b) that the parent or person was wholly or to a substantial extent maintained by the veteran or other person prior to his enlistment or during his service, or when treatment commenced and for a reasonable time prior thereto.

35. An allowance, not exceeding the maximum rate of War Veterans Allowance payable to an unmarried veteran less any payment of pension of which he may be in receipt, may, in the discretion of the Department having regard to all circumstances including any assets or income, be awarded for a period not exceeding six months when a veteran or other person, who has been undergoing treatment under section 25 for a mental disability, is released from hospital for a period of probation.

36. An allowance, in addition to any allowance that may otherwise be awarded under these regulations, may be awarded to a veteran or other person, subject to the following conditions:

- (a) that he is suffering from paraplegia;
- (b) that, immediately prior to his admission to hospital under the Department, he was receiving payments of an addition to his pension under subsection (1) of section 30 of the Pension Act;
- (c) that payment of the allowance shall not continue for more than two months from the date of admission; and
- (d) that the rate of the allowance shall not exceed the rate of the addition to pension described in paragraph (b).

*Comforts*

37. An allowance for comforts may be awarded to a person receiving treatment in hospital under section 5 where entitlement has been conceded under subsection (4) of section 14 of the Pension Act and he has no dependents, or under section 8, 12, 13, 14, 15, 16, 17, 24, 25, 26 or 29 of these

**Department of Veterans Affairs Act—continued**

regulations, when his liquid assets do not if he has no dependents, exceed \$100 and, if he has dependents, \$250, in an amount which, when added to his income if any, is equal to \$7 a month; provided that such assets or income are not required for the support of his dependents or to meet obligations which if not met would inflict hardship, or are specifically exempted when care is being given under section 29.

*Clothing*

38. Essential articles of clothing, in accordance with standards fixed by the Department, for use in hospital or upon discharge therefrom and not otherwise available may be supplied to a person receiving treatment or care under section 5 where entitlement has been conceded under subsection (4) of section 14 of the Pension Act and he has no dependents, or under section 8, 12, 13, 14, 15, 16, 17, 24, 25, 26 or 29 of these regulations, where the excess of his liquid assets and income over that required for the support of his dependents or to meet obligations which if not met would inflict hardship or are specifically exempted when care is being given under section 29, is not sufficient to purchase such articles.

*Travelling Expenses*

39. (1) Expenses, as specified in subsection (2), for travelling in Canada may be paid to or for a veteran or other person, who is directed to report by the Department or the Commission or who reports and would have been directed to report had he so requested, subject to the following conditions:

- (a) that payment shall be limited to the expenses which would have been incurred if the most direct route to and from his place of residence and nearest suitable centre for examination, treatment or care had been followed;
  - (b) that payment shall not be made for travel in respect of treatment under section 8;
  - (c) that payment shall not be made for travel to hospital for treatment under section 13 but may be paid for the return journey from hospital where he is without adequate income or resources for this purpose;
  - (d) that payment shall not be made for travel in respect of treatment under section 14 unless he is without adequate income or resources for this purpose; and
  - (e) that payment may be made where necessary for travel on first admission to hospital for care under section 29, and may be paid for the return journey from hospital to the point from which he came or to a point equidistant thereto, where he is discharged from the hospital with the approval of the Department and is without adequate income or resources for this purpose.
- (2) The expenses mentioned in subsection (1) relate to the cost of
- (a) return railway transportation, with sleeping berth where necessary, and reasonable charges for other modes of transportation where necessary and if supported by voucher; provided that when a privately-owned automobile is used the transportation allowance shall be four cents a mile, irrespective of the number of passengers carried;
  - (b) meals, in transit, if not provided by the transportation company, at \$1.50 each; and



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- (c) board and quarters, where not available at a Departmental institution, at \$1.00 a meal and, when supported by voucher, at a cost not exceeding \$3 a night for lodging.

40. Expenses for travelling other than in Canada may be paid to or for a veteran or other person who is directed to report by the Department or the Commission, or who reports and would have been directed to report had he so requested, in the amount and under the conditions of payment prevailing between the government of the country in which he is residing and a former member of the forces of that country, or as the Department may otherwise determine.

41. The Department may, in its discretion and when prior approval has been given, pay the cost of railway transportation for travel in Canada of a veteran or other person who is receiving total disability pension for blindness or for any other disability which makes an escort necessary; provided that such transportation shall be issued only in cases where an escort travels with the veteran or other person and shall be limited to the cost of the fare of the escort; provided, further, that no costs shall be paid in respect of regular travel but only when the veteran or other person is travelling on annual vacation or at other infrequent intervals.

*Loss of Wages*

42. Payment for loss of wages or earnings may be made to a veteran or other person who is directed to report by the Department or the Commission, or who reports and would have been directed to report had he so requested, at a rate not exceeding \$7.50 a day, where satisfactory evidence of loss is produced; provided, however, that when such veteran or other person is admitted to hospital he shall not be so paid for the day of admission or discharge or during his stay in hospital unless he is detained in hospital under section 26 or 28.

*Escorts*

43. Where an escort, other than a dependent of the veteran or other person, is required for the purpose of carrying out the provisions of these regulations, he may be paid \$5 for each day while so employed.

*Burials*

44. (1) Where a veteran or other person dies in a hospital or other institution where examination, treatment or care has been authorized at the expense of the Department or while undergoing a period of out-patient treatment with allowance, the Department may arrange and pay for his funeral and burial, subject to the following conditions:

- (a) that, where burial takes place in a cemetery at or contiguous to the place at which death occurred, an amount not exceeding \$110 may be paid for the services of a funeral director, which amount shall include embalming, local transportation of body, supply of casket, shipping or outside case, hearse, two carriages where necessary for mourners and pallbearers, and use of chapel or funeral parlours, or such lesser amount as may, in the discretion of the Department, be determined when all of such services are not supplied by the funeral director;

**Department of Veterans Affairs Act—continued**

- (b) that, where burial takes place in a cemetery at a distance from the place at which death occurred and is not conducted by the funeral director who prepared the body and furnished the casket, an amount not exceeding \$35 may be paid for the necessary services supplied by the funeral director at the place of burial;
  - (c) that an amount may be paid to cover the cost of opening and closing the grave;
  - (d) that an amount may be paid to cover the cost of a single grave, if such grave was required for the burial and was purchased on or about the date of death;
  - (e) that where, in order to comply with provincial or other laws regarding burial, it is necessary to provide a hermetically-sealed case, an amount in excess of that authorized in paragraph (a) may be paid, such excess amount to be the difference between the actual cost to the funeral director of such hermetically-sealed case and the actual cost of the casket which otherwise would have been supplied;
  - (f) that, where it is necessary to provide a special oversized casket, an amount in excess of that authorized in paragraph (a) may be paid, such excess amount to be the difference between the actual cost to the funeral director of such special casket and the actual cost of the casket which normally would have been supplied;
  - (g) that an amount may be paid to cover the cost of transporting the body to the place to which transportation might have been supplied under section 39;
  - (h) that the cost of cremation of the body may be paid in an amount which shall not exceed the cost of the services which otherwise would have been paid or supplied by the Department under this section; and
  - (i) that, in any case where any or all of the services herein specified are not arranged or supplied by the Department, there may be paid an amount not in excess of that which would have been paid had the Department made the arrangements or supplied any or all of the services.
- (2) Payments made or cost of services supplied pursuant to this section shall be considered to be a part of the cost of treatment for purposes of section 55.

*Treatment Obtained Privately*

45. (1) Subject to subsections (2) and (3), the Department may in its discretion pay for the cost of treatment obtained otherwise than at the expense of the Department of a veteran or other person who qualified for treatment under these regulations at the time that treatment was obtained, or who now qualifies by reason of a decision of the Commission or of a District Authority or the War Veterans Allowance Board; provided
- (a) that an application for payment of the cost has been made by him or on his behalf or by the person who gave or paid for the treatment;
  - (b) that the payment shall not exceed the amount charged to or for him, or the amount which may be paid by the Department in accordance with the approved Departmental rate in respect of hospital accounts and the Departmental schedule of fees in respect of physicians, dentists and druggists accounts, whichever is the lesser, or such amount as the Department may determine in any individual case;

**Department of Veterans Affairs Act—continued**

- (c) that payment shall not be made for any portion of the cost of treatment for a disability which was caused in whole or in part by the act or omission of another, and for which he has recovered the cost in damages or other settlement; and
  - (d) that, except where the treatment could have been given, or could now be given, under section 5, 6, 9 or 12, payment shall not be made for any portion of the cost which he is or was entitled to receive or recover from a hospital or medical service prepayment plan or from an insuring agency.
- (2) Payment under subsection (1) may be made in respect of treatment which could have been given, or could now be given, under section 5 or 6 and which was obtained
- (a) on or after a date not more than three years prior to the effective date of entitlement where treatment was obtained prior to the date of notification by the Commission of entitlement and where
    - (i) the date of notification is subsequent to March 31, 1953, and
    - (ii) application for payment is made not later than sixty days after the date of notification; or
  - (b) on or after a date not more than sixty days to the date of application for payment where treatment was obtained subsequent to the date of notification by the Commission of entitlement, except that
    - (i) if, when treatment was obtained, it was not known or deemed to be required for a disability for which treatment could have been given under section 5 or 6 and it has been established that it was so required, payment may be made from a date not more than eighteen months prior to the date of application where the disability is related to service in World War I, or from a date not more than thirty-six months prior to the date of application where the disability is related to service in World War II, or in either case from the effective date of entitlement, whichever is the later, or
    - (ii) if application has been made by the government of a country or agency thereof for payment of the cost of treatment given outside Canada, payment may be made from the date of commencement of treatment.
- (3) Payment under subsection (1) may be made in respect of treatment which could have been given, or could now be given by virtue of an award of War Veterans Allowance, under a section other than section 5 or 6 and which was obtained
- (a) on or after a date not more than sixty days prior to the date of application for payment; or
  - (b) on or after the effective date of award of War Veterans Allowance where treatment was obtained prior to the date of notification of award and where application for payment is made not later than sixty days after the date of notification.

*Direction to Report*

46. The Department may direct a veteran or other person to report at any place for examination or treatment for the purpose of carrying out the provisions of these regulations or of any Act or Order in Council administered by the Minister.



**Department of Veterans Affairs Act—continued**

*Exempt Income*

47. For the purpose of these regulations, any pension or grant received by reason of a military decoration, or any allowance received under the Family Allowances Act, shall not be considered as income.

*Miscellaneous*

48. Except as provided in section 8 or 21, treatment shall not be given to a veteran or other person while undergoing imprisonment or while being held under a Lieutenant-Governor's warrant or other document of similar authority.

49. A veteran or other person who is receiving in-patient treatment or care at the expense of the Department shall be required to perform such duties as may be assigned to him by the Hospital Superintendent or the Senior Treatment Medical Officer and, where such duties are performed in an institution where there is a salaried officer of the Department and are of such a character as to warrant remuneration, the Department may, in its discretion, award a nominal remuneration.

50. Where a guardian or curator has been appointed according to law to administer the affairs and assume responsibility for the person of a veteran or other person suffering from a mental disability, or where an administrator has been appointed by the Commission to administer his pension, he may, in the discretion of the Department, be discharged from hospital and transferred to the care of such guardian, curator or administrator; provided, however, that any moneys standing to his credit with the Department shall not be paid unless it is considered in his interests that they be paid, and the Department may, in its discretion, require any guardian, curator or administrator to furnish a bond in an adequate amount.

51. The Department may operate such hospitals as are deemed necessary for psychiatric treatment of persons suffering from mental disease and, with respect thereto, may make such arrangements as may be required with the provincial governments and, further, may make arrangements with a provincial government for the care and treatment of a veteran or other person in a provincial institution for the treatment of mental disease.

52. The Department may authorize the payment of interest at a rate fixed from time to time by the Minister of Finance with the approval of the Governor in Council

(a) on moneys received and paid into a trust fund, or

(b) on amounts of allowance or other moneys payable out of, or paid into a trust fund from, an appropriation by Parliament,

in respect of a veteran or other person and held, or withheld pursuant to these regulations, for a period of not less than three months; provided that interest shall not be payable on moneys which are held or withheld owing to failure by the veteran or other person, other than a person under legal age or of any age if physically or mentally incompetent, to claim the amount due or to notify the Department of his address, or owing to the disturbed state of the country in which he or his dependents reside.

**Department of Veterans Affairs Act—continued**

53. Where, on the death of a veteran or other person, his account shows a credit resulting from an award made pursuant to these regulations or to any regulations which have been superseded by these regulations, the amount of the credit shall not form part of his estate but may, in the discretion of the Department, be paid in whole or in part to or on behalf of a dependent or to a person who has maintained him or been maintained by him or towards the expenses of his last sickness and burial when such expenses have not been paid in full from public funds.

54. Where a veteran or other person owes money to the Crown or has received an overpayment of public moneys under these regulations or other enabling authority, future payments under these regulations may be reduced or withheld until the obligation is satisfied.

55. (1) The Department may charge and determine the rate at which charges may be made for examination, treatment, care or ancillary benefits provided under any section of these regulations and the Department shall charge and determine the rate at which charges may be made for such services where examination, treatment or care is provided to a veteran or other person

(a) who, in the opinion of the Minister, has an enforceable and recoverable claim in whole or in part against another person by virtue of

(i) an act or omission causing, giving rise to or contributing to the disability of the veteran or other person for which treatment is given, or

(ii) an insurance plan or other contract or a statute, and the examination or treatment is given under section 10, 11, 13 or 14;

(b) under section 12 for a mental disease when the veteran or other person has an income and has no dependents; and

(c) under any of the sections 20 to 25 inclusive.

(2) Where a veteran or other person dies, the Department may claim against his estate for charges made under these regulations.

56. (1) Before or while a veteran or other person receives examination, treatment, care or ancillary benefits, the Department may require him or another person on his behalf to execute such documents as, in the opinion of the Department, are necessary for the purposes of these regulations and, should he fail to execute such documents, the Department may refuse to give or to continue to give such examination, treatment, care or benefits.

(2) Where under these regulations a charge is made or required to be made for examination, treatment, care or ancillary benefits, the Department may require the veteran or other person or another person on behalf of either to sign

(a) an agreement to pay on demand to the Department the amount so charged;

(b) an agreement to make demand or claim or commence and prosecute such legal action as the Department may deem necessary for the recovery of damages or insurance moneys or other compensation relating to the disability for which he has applied for or received examination, treatment, care or ancillary benefits and to make no settlement of such demand, claim or action without the consent of the Department;

**Department of Veterans Affairs Act—continued**

- (c) an assignment to the Crown in the right of Canada of the proceeds of such demand, claim or action as is described in paragraph (b) in an amount sufficient to satisfy all the charges of the Department; or
- (d) a document constituting and appointing Her Majesty the Queen in the right of Canada his true and lawful attorney in his name and at his expense and on his behalf to demand, claim or commence and prosecute to judgment and execution any legal action for the recovery of any moneys payable or which may become payable as damages or by contract or as compensation or otherwise relating to the disability for which examination, treatment, care or ancillary benefits have been or may be provided or granted and to receive all moneys awarded or settled as damages, compensation or otherwise and to give releases therefor.

(3) For the purposes of this section, “ancillary benefits” includes allowances paid to or on behalf of a veteran or other person under these regulations.

57. The Department may direct the withholding of pass and other special privileges or the withholding, forfeiture or cancellation of allowances or other benefits from or in respect of a veteran or other person, or may discharge him from the hospital or institution, when he

- (a) transgresses hospital or institutional rules;
- (b) unreasonably refuses to undergo medical or surgical treatment, other than a major surgical operation, which he requires; or
- (c) retards his treatment or aggravates his disability by improper conduct.

58. The Department may enter into agreements with any government of British Commonwealth of Nations or of the nations allied or associated with His Majesty in World War I or in World War II

- (a) for the treatment of a veteran or other person in any country other than Canada, or may make other direct provision in individual cases; provided that the treatment is required for a disability for which treatment may be given under section 5 or 6; and
- (b) for the examination or treatment of a former member of their forces in Canada or in any other country and, in accordance with any such agreement, may award such allowance or other benefits as may be authorized and paid for by the government responsible for such forces.

59. (1) The Department may, subject to the approval of the Treasury Board, compile and issue from time to time a schedule or schedules of fees payable to duly licensed physicians, surgeons and druggists for medical examinations, medical treatment, surgical operations, medical supplies and remedies, the examination of files and other related services, and may issue instructions with regard thereto.

(2) The Department may, subject to the approval of the Treasury Board, compile and issue from time to time a schedule or schedules of fees payable to duly licensed dentists for dental examination and treatment.



**Department of Veterans Affairs Act—continued**

60. (1) In any matters which are left to the discretion or determination of the Department the decision of the Department shall be final, and any such decision of a professional medical or dental nature shall be made by a licensed medical or dental practitioner employed by the Department on a full-time, part-time or half-day fee basis, acting under the authority of the Director General of Treatment Services.

(2) Where by these regulations any thing is required to be done by the Department or is subject to approval of the Department, such thing shall be done and such approval may be granted by the Departmental officials for the time being responsible therefor or charged therewith.

(3) In any matters which are left to the discretion or determination of the Commission, the decision of the Commission shall be final.

**7. Scale relating to subsection (2) of section 13 of the Veterans Treatment Regulations**

*Extract from the minutes of a meeting of the Treasury Board, held at Ottawa, on June 4, 1954.*

T.B. 471529

The Board direct that the scale relating to paragraph (a) of subsection (2) of section 13 of the Veterans Treatment Regulations made by Treasury Board Minute 447190 of March 27, 1953, as amended by T.B. 457067 of September 10, 1953, be revoked, and the annexed scale substituted therefor, effective July 1, 1954.

SCALE RELATING TO SUBSECTION (2) OF SECTION 13 OF THE  
VETERANS TREATMENT REGULATIONS

1. In this scale,

- (a) "adjusted income" of a veteran or other person means the total income of the veteran or other person and his spouse for the six months preceding commencement of treatment added to their estimated income for the six months following commencement of treatment, less
  - (i) money paid under the War Claims Regulations as compensation for maltreatment,
  - (ii) helplessness allowance and allowance for wear and tear of clothing and twenty-five per cent (25%) of pension, including additional pension on behalf of dependents, paid to a veteran or other person either in whole or in part by the Canadian Pension Commission or by a British or Allied Government at Canadian rates by reason of pre-war domicile,
  - (iii) \$480 for the first dependent and an additional \$150 for each additional dependent, and
  - (iv) the amount in excess of three per cent of such income less the deductions under subparagraphs (i) and (ii) paid, during the six months immediately preceding the application for treatment, by him or his spouse, or from a hospital or medical service prepayment plan or plans or other policy of insurance, for medical and dental treatment received by him or his dependents;

**Department of Veterans Affairs Act—continued**

- (b) "resources" means cash in hand or in the bank, negotiable bonds and marketable securities owned by the veteran or other person or his spouse provided that "resources" shall not include money paid within the preceding two years under the War Claims Regulations as compensation for maltreatment; and
- (c) where the applicant is a married female veteran who is living with her husband, "dependent" means the husband and his dependents other than the applicant.

2. A veteran or other person is not eligible for treatment under section thirteen of the Veterans Treatment Regulations where his adjusted income exceeds \$2,500.

3. (1) A charge may be made against resources or against adjusted income or against both resources and adjusted income.

(2) A charge as described in subsection one, in respect of resources, shall be not more than the amount which would reduce resources below

- (a) \$500 where there are no dependents, and \$1,000 where there are dependents, and where treatment is given for a period of thirty days or less;
- (b) \$500 plus an amount of \$10 for each day of treatment in excess of thirty where there are no dependents, and \$1,000 plus an amount of \$20 for each day of treatment in excess of thirty where there are dependents, and where treatment is given for a period of more than thirty and less than eighty-one days; or
- (c) \$1,000 where there are no dependents, and \$2,000 where there are dependents, and where treatment is given for a period of more than eighty days.

(3) A charge as described in subsection one, in respect of adjusted income, shall not exceed during a twelve-month period

- (a) nil where the adjusted income is \$720 or less; or
- (b) one per cent of the adjusted income where such adjusted income exceeds \$720 but does not exceed \$800, such percentage of the entire adjusted income being increased by one per cent for each additional \$100 of the adjusted income or part thereof.

4. Payment for medical and dental services which may be arranged between the practitioner and the veteran or other person under paragraph (g) of subsection two of section thirteen of the Veterans Treatment Regulations shall be at a rate reduced proportionately with the charges of the Department.

**8. Scale relating to paragraph (b) of section 29 of the Veterans Treatment Regulations**

*Extract from the minutes of a meeting of the Treasury Board, held at Ottawa on November 4, 1954.*

T.B. 477914

The Board direct that the scale relating to paragraph (b) of section 29 of the Veterans Treatment Regulations, as approved by Treasury Board Minute 447189 of March 27, 1953, and amended by Treasury Board Minute 457068 of September 2, 1953, be revoked and the annexed scale be substituted therefor.

**Department of Veterans Affairs Act—continued**SCALE RELATING TO PARAGRAPH (b) OF SECTION 29  
OF THE VETERANS TREATMENT REGULATIONS

1. In this scale, "resources" means cash in hand or in the bank, negotiable bonds and marketable securities when such resources are the sole property of the veteran or other person receiving domiciliary care; provided that "resources" shall not include money paid within the preceding two years under the War Claims Regulations as compensation for maltreatment.

2. The District Administrator shall administer any income or resources assigned or paid to the Department as directed.

3. Allocations from income shall be made to the extent permissible and in the sequence prescribed in sections 4 and 6 and, where income is not sufficient to cover all such allocations, the deficit shall be allocated from resources to the extent permissible and in the sequence prescribed in sections 5 and 7.

4. Where the veteran or other person receiving domiciliary care has no dependents, monthly income shall be applied in the following sequence:

- (a) 10 per cent to a trust fund for the veteran or other person where the District Administrator is administering the entire income, provided that the balance of this trust fund shall not exceed \$250;
- (b) \$7 for comforts;
- (c) \$8 for clothing;
- (d) \$120 towards maintenance; and
- (e) any remainder to the trust fund specified in paragraph (a).

5. Where the veteran or other person receiving domiciliary care has no dependents, resources in excess of a market value of \$1,000 at the end of any month shall, subject to section 3, be applied in the following sequence:

- (a) \$7 a month for comforts;
- (b) \$8 a month for clothing; and
- (c) \$120 a month towards maintenance.

6. Where the veteran or other person receiving domiciliary care has one or more dependents, his monthly income (not including additional pension paid in respect of, or any income of, dependents) shall be applied in the following sequence:

- (a) an amount to the dependents to bring dependents' total income from all sources (including income of all dependents) to a rate equivalent to the rate provided in Schedule B of the Pension Act;
- (b) 10 per cent of the remainder of his income to a trust fund for the veteran or other person where the District Administrator is administering the entire remainder, provided that the balance of this trust fund shall not exceed \$500;
- (c) \$7 for comforts;
- (d) \$8 for clothing;
- (e) \$120 towards maintenance; and
- (f) any remainder to the trust fund specified in paragraph (b).



**Department of Veterans Affairs Act—continued**

7. Where the veteran or other person receiving domiciliary care has one or more dependents, resources in excess of a market value of \$2,000 at the end of any month shall, subject to section 3, be applied in the following sequence:

- (a) \$7 a month for comforts;
- (b) \$8 a month for clothing; and
- (c) \$120 a month towards maintenance.

8. Where the veteran or other person dies leaving no dependents and allocations, if any, from income or resources have not been sufficient to cover expenditures for comforts and clothing and the maximum charge for maintenance, the difference between the sum of such allocations and the sum of such expenditures and charge shall be a charge against the estate of the veteran or other person if he dies while being given examination, treatment or care under the Veterans Treatment Regulations, or if such difference is due wholly or in part to misrepresentation.

9. Where a veteran or other person is a recipient of an allowance as a married veteran under paragraph (b) of subsection 11 of section 30 of the War Veterans Allowance Act, 1952, the woman who is publicly represented as his wife shall be deemed to be a dependent for the purposes of this scale.

**9. Last Post Fund Regulations**

P.C. 1954-1932

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Regulations governing grants to the Last Post Fund for the burial of veterans who die in indigent circumstances, established by Order in Council P.C. 178 of 26th January, 1948, as amended, are hereby revoked; and

2. The annexed "Last Post Fund Regulations", made by the Minister of Veterans Affairs pursuant to the Department of Veterans Affairs Act, are hereby approved and established in substitution for the regulations hereby revoked.

**LAST POST FUND REGULATIONS**

1. These regulations may be cited as the *Last Post Fund Regulations*.

2. In these regulations,

- (a) "burial" means the services and materials supplied by a funeral director, the purchase of a grave, when necessary, the opening and closing of a grave and the supply and erection of a grave marker;

**Department of Veterans Affairs Act—continued**

- (b) "Council" means the Council of the Last Post Fund, Incorporated;
- (c) "Department" means the Department of Veterans Affairs acting through an officer of the Department designated by the Deputy Minister for the purpose;
- (d) "Fund" means the corporation established pursuant to the Companies Act under the name of the Last Post Fund; and
- (e) "veteran" means a former member of the navy, army or air forces of Her Majesty or any of Her Majesty's allies who served on active service during the South African War, World War I, World War II or in a theatre of operations during any campaign.

3. These regulations apply only to a veteran whose burial is conducted in Canada unless the veteran was a former member of the Canadian forces and is buried in the United Kingdom or the United States of America.

4. (1) Any appropriation provided by Parliament for the burial of veterans by the Fund shall be administered by the Department.

(2) Payments from such appropriation shall be made by the Department to the headquarters of the Fund in such amounts and at such times as may be found necessary.

(3) The Department may pay from such appropriation such an amount as is actually required to cover the cost of the administration of the headquarters of the Fund including salaries, travelling expenses, annual audit, rent, printing, stationery and other office expenditures, but such amount shall not exceed eight thousand five hundred dollars per annum.

(4) The Fund shall submit to the Department such financial and other reports covering its operations in such form and at such times as the Department may require.

5. Burials shall be conducted in accordance with specifications and instructions prescribed by the Council pursuant to the by-laws of the Fund.

6. (1) Subject to subsection (2), the Fund may, from money paid to it from the appropriation, pay for the cost of the burial of a veteran who at death is found to be in indigent or destitute circumstances or liable to become a public charge.

(2) The Fund may pay for the burial of a veteran who is not in indigent circumstances if, in the opinion of the Fund, it is in the public interest to do so; provided that the cost of such burial if paid from money supplied by the Department is repaid and refunded to the Department.

(3) Where the estate of a veteran is payable to his widow or child, or to a woman who is publicly represented as his wife, who was dependent on and maintained by him at the time of his death, the Fund may conduct his burial and shall not claim reimbursement of the cost thereof in an amount which would reduce the value of his estate below one thousand dollars; and, for the purposes of this subsection, "estate" means the total value of insurance and liquid or realizable assets.

(4) The Last Post Fund shall claim from the estate of a veteran or from any other source or person, any amount payable by reason of the death of a veteran up to the cost to the fund of the burial, and shall apply the amount so recovered in accordance with the regulations of the Last Post Fund.

**Department of Veterans Affairs Act—continued**

(5) The Council may authorize the payment of the cost of burial of a veteran which was not conducted by the Fund if, due to exceptional and extenuating circumstances, application to the Fund was not made prior to the burial and the burial would otherwise have been conducted by the Fund.

7. The Fund may, from money paid to it from the appropriation, pay, for the burial of a veteran,

- (a) a sum not exceeding one hundred and ten dollars to a funeral director for such services as may be prescribed by the Council pursuant to the by-laws of the Fund,
- (b) the cost of the grave and the cost of the opening and closing thereof, and
- (c) the cost of the grave marker provided by the Fund and the cost of erection thereof.

8. The Fund may, on application of the department of the Government of Canada concerned, pay, from money paid to it from the appropriation, the cost of a grave marker, provided by the Fund and the cost of erection thereof for a grave, which would otherwise remain unmarked, of a veteran who, being an indigent Indian, is buried on a reserve by such department.

9. The Minister of Veterans Affairs shall nominate the member of the Fund who is to be the representative of the Department of Veterans Affairs and who, pursuant to the constitution and by-laws of the Fund, is to be a Director thereof.

**10. Pensioners Training Regulations**

P.C. 1955-134

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 26th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Department of Veterans Affairs Act, is pleased to order as follows:

1. The Pensioners Training Regulations, established by Order in Council P.C. 1954-1303 of 1st September, 1954, are hereby revoked, effective January 1, 1955; and

2. The annexed "Pensioners Training Regulations", made by the Minister of Veterans Affairs, are hereby approved and established, effective January 1, 1955, in substitution for the regulations hereby revoked.

**PENSIONERS TRAINING REGULATIONS**

1. These regulations may be cited as the *Pensioners Training Regulations*.



**Department of Veterans Affairs Act—concluded**

2. In these regulations,
  - (a) "Act" means the Veterans Rehabilitation Act;
  - (b) "dependant" has the meaning set forth in paragraph (c) of section 2 of the Act, except that where the word "veteran" appears therein, it is to be read as "pensioner";
  - (c) "Minister" means the Minister of Veterans Affairs;
  - (d) "pensioner" means
    - (i) a person residing in Canada who served in the Canadian Forces during World War I and is receiving pension under subsection (1) of section 13 of the Pension Act, and
    - (ii) a person residing in Canada who has served in the regular or reserve forces of Canada in peacetime or the reserve forces during World War II and is receiving a pension under subsection (2) of section 13 of the Pension Act; and
  - (e) "regulations" means the Veterans Rehabilitation Regulations.
3. Where in the opinion of the Minister, a pensioner requires training to fit him for suitable employment,
  - (a) in respect of a pensioner described in subparagraph (i) of paragraph (d) of section 2,
    - (i) subsection (1) of section 8 of the Act, and
    - (ii) section 8, subsection (2) of section 10, and subsections (1) and (3) of section 19 of the regulations shall apply;
  - (b) in respect of a pensioner described in subparagraph (ii) of paragraph (d) of section 2,
    - (i) sections 8, 9 and 11 of the Act, and
    - (ii) sections 5, 6, 7, 8 subsection (2) of section 10, section 17, and paragraphs (a) and (b) of subsection (1) and subsection (3) of section 19 of the regulations shall apply; and
  - (c) allowances shall be paid under Part II of the Schedule of monthly rates in the regulations.
4. Training of a pensioner under these regulations shall not affect any benefit which he may previously have received as a veteran.

**DESTRUCTIVE INSECT AND PEST ACT. (R.S.C., 1952, c. 81)****Destructive Insect and Pest Regulations**

P.C. 1954-2021

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Destructive Insect and Pest Act, is pleased to order as follows:

1. The Destructive Insect and Pest Regulations, established by Order in Council P.C. 2057 of 26th April, 1949, as amended, are hereby revoked; and

2. The annexed "Destructive Insect and Pest Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

**Destructive Insect and Pest Act—continued**

DESTRUCTIVE INSECT AND PEST REGULATIONS

PART I—GENERAL

*Short Title*

101. These regulations may be cited as the *Destructive Insect and Pest Regulations*.

*Interpretation*

102. In these regulations,

- (a) "Act" means the Destructive Insect and Pest Act;
- (b) "Board" means the Destructive Insect and Pest Advisory Board referred to in Part IX;
- (c) "Department" means the Department of Agriculture, Ottawa;
- (d) "inspector" means any person appointed as such under the Act;
- (e) "Minister" means the Minister of Agriculture for Canada;
- (f) "nursery stock" includes every kind and species of plant grown or used for ornamental purposes, propagation or cropping, except the following: flower, vegetable and field crop seeds, onion sets, garlic bulbs or bulbels and mushroom spawn from all countries; aquatic plants from the United States, seed potatoes and potato eyes from the United States other than from the States of Pennsylvania, Maryland and West Virginia as provided in paragraph (a) of section 210;
- (g) "pest" or "disease" includes any living stage of the numerous small invertebrate animals belonging to the *phylum Arthropoda* (as, for example, insects, mites, ticks, centipedes); any form of elongated invertebrates lacking appendages, commonly referred to as worms (as, for example, nematodes); any form of protozoa; any form of fungi (as, for example, rusts, smuts, moulds and yeasts); any form of bacteria; any form of viruses and any form of similar or allied organisms which may directly or indirectly affect, injure or cause disease in plants or parts thereof, but does not include honey bees or earthworms of the family *Lumbricidae* used for fish bait or soil culture;
- (h) "plant" or "plants" includes all members of the vegetable kingdom and any part or product thereof; and
- (i) "Plant Protection Division" means the Plant Protection Division, Science Service, Department of Agriculture, Ottawa.

103. The introduction or admission of plants into Canada is permitted only as provided in these regulations.

104. No person shall, contrary to these regulations, sell, offer for sale, receive or dispose of any plant infested or infected with any pest or disease.

105. The owner, occupier or lessee of any place or premises where any pest or disease is found, which is not widely prevalent or distributed within or throughout Canada, shall immediately notify the Chief, Plant Protection Division, thereof, and shall send to him specimens of such pest or disease.

106. (1) The Minister may by special permit authorize the introduction or admission into Canada, for scientific or educational purposes, of any plant the introduction or admission of which is prohibited by these regulations.

**Destructive Insect and Pest Act**—*continued*

(2) The Minister may authorize for scientific purposes, the shipment or movement from one province to another or within a province, of any pest or disease the shipment or movement of which from one province to another or within a province is prohibited by these regulations.

107. Nothing in these regulations shall be construed to prevent the government of any province from making such regulations or orders as may be necessary to control within the province any insect, pest or disease not expressly covered by these regulations, or to prevent the spreading within the province of any insect, pest or disease in any aspect not expressly covered by these regulations.

*Powers of Inspectors*

108. An inspector may enter upon any premises, lands, nursery, train, ship, aircraft, vehicle or other carrier where there is reason to believe that any pest or disease is or may be present, or where there are plants which prevent the successful control of any pest or disease.

109. An inspector may inspect any plant before export from Canada or before shipment within Canada and may issue a certificate in respect thereof to comply with the requirements of the importing country or those for domestic purposes; every such certificate for export purposes shall bear the seal of the Plant Protection Division.

110. Notwithstanding section 109, an inspection certificate may be withheld to give effect to instructions issued by the Chief, Plant Protection Division, respecting the exportation or shipment of plants from or within Canada.

111. An inspector may require any imported plants or any carrier thereof referred to in section 108, or any ship or any carrier of cereal exports, including grain or grain products, corn and oil seeds, to be held for examination, and such holding shall be at the risk and charges of the owner.

112. Where, on inspection, any imported plants are found to be infested or infected with any pest or disease, the plants and containers thereof shall be destroyed in the presence of an inspector, returned to the shipper or subjected to treatment, at the discretion of the inspector; and where any carrier referred to in section 108 is found to be infested with any pest or is suspected of being infested, it shall be treated to the extent and in the manner deemed necessary by an inspector; when any such action is necessary due notice shall be given to the owner or his agent where ascertained; any charges or risk associated with such treatment or other action shall be the responsibility of the owner.

113. In association with the control of any pest or disease within Canada, an inspector shall give such instructions as may be necessary for the treatment or destruction of any plant, or the containers thereof, which may be found or suspected to be infested or infected with any pest or disease, or constitute an obstacle to the successful control of any pest or disease, and such instructions shall be carried out by the owner or lessee of the infested, infected or suspected or menacing plant and containers thereof; the inspector shall have power to carry out the required treatment or destruction, if necessary, and the owner is responsible for any risks and charges involved in any treatment or destruction.



**Destructive Insect and Pest Act—continued**

114. All risk or damage of any kind associated with or resulting from fumigation or other treatment prescribed or required by these regulations or by an inspector shall be the responsibility of the owner.

115. No person shall obstruct an inspector in entering any premises, lands, nursery, train, ship, aircraft, vehicle or other carrier, or otherwise obstruct an inspector in the performance of his duties; and no person shall refuse to permit the making of any examination required by these regulations, or refuse to carry out the instructions of an inspector relative to the effective control of any insect, pest or disease.

116. (1) Compensation not exceeding two-thirds of the value, assessed by the inspector, of the plants or containers thereof, destroyed by the instructions of an inspector, may be granted by the Governor in Council upon the recommendation of the Minister.

(2) Subsection (1) does not apply

(a) in any case in which plants or containers are destroyed on the order or at the direction of the Government of a province which does not grant compensation in such cases; or

(b) in the case of potatoes or potato crops.

*Penalty*

117. Every person who contravenes any provision of these regulations is liable to the penalty prescribed by section 9 of the Act.

PART II—ADMISSION OF PLANTS INTO CANADA

**A. Nursery Stock**

*Permit Requirements*

201.(1) Before any nursery stock may be imported, an application for a permit shall be filed with the Chief, Plant Protection Division; every such application shall be signed by the importer and shall specify

(a) the quantity and kind of the nursery stock;

(b) the country and locality therein of origin;

(c) the destination of the nursery stock;

(d) the name and address of the consignor and consignee;

(e) whether the nursery stock will be forwarded by freight, express or mail; and

(f) particulars of air transportation, when applicable.

(2) The importer shall notify the shipper of the number of the permit.

(3) The permit shall be presented to the Collector of Customs at the Customs port of entry before delivery of the nursery stock can be obtained.

(4) Subject to section 106, no permit shall be issued for any nursery stock the importation of which is prohibited by these regulations.

*Certificate of Inspection*

202. (1) Each shipment of nursery stock originating in a country maintaining an inspection service shall be accompanied by a phytopathological certificate issued and signed by an authorized official of the country of origin, certifying that the nursery stock in respect of which the certi-

**Destructive Insect and Pest Act**—*continued*

ificate was issued was thoroughly examined at the time of packing by the said official or his authorized agent and was found, to the best of his knowledge, to be substantially free from injurious diseases and pests, and that the consignment is believed to conform to the current phytosanitary regulations of the importing country, both as stated in any additional declaration and otherwise.

(2) Any special declaration required by these regulations may be incorporated into the certificate of inspection.

(3) Each shipment of nursery stock from countries where the Golden Nematode is known to occur shall be covered by a special declaration to be incorporated into the certificate of inspection establishing that, through official soil sampling or other official investigation, the nursery stock included in the shipment was grown under conditions indicating apparent freedom from the Golden Nematode, *Heterodera rostochiensis* (Wr.).

(4) Shipments from countries where the Golden Nematode is not known to occur shall be covered by a declaration to that effect on the certificate of inspection.

(5) The special declarations relating to the Golden Nematode in subsections (3) and (4) do not apply to importations from the United States (including the Territories of Hawaii and Alaska), Bermuda and the West Indies (including Cuba and the Bahamas).

(6) The original certificate of inspection shall accompany the way-bill or bill of lading and shall be furnished to the inspector at the port of importation by the transportation company; where shipments are made by mail the certificate shall be enclosed within the container.

(7) Each container of nursery stock shall have attached thereto a copy of the certificate of inspection.

(8) Each certificate of inspection and copy thereof shall state the country, and the locality therein, where the nursery stock was grown, and the date of the inspection.

(9) Both the original certificate of inspection and the copy thereof shall bear the official seal of the authorized inspection service of the country of origin; the actual signature of the authorized official shall appear on the original certificate of inspection, but on the copy thereof the signature may be either actual or reproduced.

(10) Nursery stock originating in any country not maintaining an inspection service may be admitted under a special permit issued by the Chief, Plant Protection Division.

(11) Special certificates required by specific requirements of these regulations shall be provided in addition to the certificate of inspection if not incorporated therein; the original certificate shall accompany the way-bill or bill of lading and a copy of the certificate shall be attached to each container.

*Marking of Containers*

203. Each container of nursery stock, in addition to bearing a copy of the certificate of inspection, shall be clearly marked with the name and address of the consignor and of the consignee and the permit number, and shall also bear a declaration showing the quantity and kind of nursery stock contained therein, unless such information is contained on the copy of the certificate of inspection.

**Destructive Insect and Pest Act—continued**

*Ports of Importation*

204. (1) Nursery stock originating in any country, imported into Canada other than by mail, shall be routed through any one of the following ports only:

St. John's, Newfoundland, Halifax, Saint John, N.B., Montreal, Ottawa, Niagara Falls, Windsor, Winnipeg, Estevan, Lethbridge, Vancouver, or Victoria.

(2) Nursery stock in small quantities may be imported by mail or air express or air freight through the following ports, in addition to those listed in subsection (1):

Toronto, London, Edmonton.

(3) An importer intending to import nursery stock by mail shall so indicate on the application for permit; a mailing label will then be furnished to the importer with the permit; the importer shall forward the label to the shipper, who shall attach it to the outside of the package of nursery stock.

(4) Nursery stock arriving at any place in Canada other than at one of the ports named in subsection (1) or (2) shall be routed on one of the ports therein named for inspection or clearance.

*Import Inspection*

205. (1) Unless otherwise directed by an inspector, nursery stock entering Canada shall be inspected at one of the ports of importation designated in section 204 before being allowed to proceed to destination.

(2) Nursery stock shall not be moved from a port of importation until a certificate of inspection or a certificate of clearance has been issued by an inspector.

(3) Nursery stock permitted to proceed to destination for inspection shall not be unpacked before the arrival of an inspector.

*Treatment of Infested or Infected Nursery Stock*

206. Where, on inspection, any nursery stock is found to be infested or infected with any pest or disease, it shall be subjected to treatment or destroyed, to the extent deemed necessary by the inspector; any case, package and packing in which such nursery stock has been contained shall also be treated or destroyed; at the discretion of the inspector and where no apparent danger exists, condemned nursery stock may be returned to the shipper, but all details and costs related to the return of such nursery stock shall be arranged between the importer and the shipper.

*Charges to be Borne by Importer*

207. All charges for storage, demurrage, cartage, labour and delays incident to inspection and cost of treatment or destruction, other than the services of an inspector, and any risk or damage incurred through any such action, shall be borne by the importer.

*Delivery of Shipment from Customs*

208. No delivery of nursery stock may be obtained from Customs unless

(a) the importer presents the permit referred to in section 201,



**Destructive Insect and Pest Act—continued**

- (b) a certificate of inspection or a certificate of clearance, duly signed by an inspector, has been filed with the Collector of Customs at the port of importation, and
- (c) a copy of either the certificate of inspection or certificate of clearance is on file at the port from which the nursery stock is to be cleared.

**B. Prohibited Imports**

209. (1) The importation into Canada of the following plants is prohibited:

- (a) Potatoes (*Solanum spp.*) for seed or other purposes, from Europe, the Azores Islands, the Canary Islands and the Islands of St. Pierre and Miquelon.
- (b) Plants with sand, soil or earth; sand, soil or earth; and packing material containing sand, soil or earth from all countries except the United States of America, the Territory of Alaska, the Territory of Hawaii and the Commonwealth of Puerto Rico except as provided in paragraph (k) of section 210, Holland, Belgium, Bermuda, the West Indies (including Cuba and the Bahamas) and Asia other than as provided in paragraph (d) of section 210, and such other countries which may later establish a Golden Nematode, *Heterodera rostochiensis* (Wr.) survey and control program and export certification policy applying to the entire country or a portion thereof on a basis satisfactory to the Board.
- (c) Plants, including grafts, cuttings and seeds of *Ribes americanum*, *Ribes bracteosum*, *Ribes hudsonianum*, *Ribes nigrum* and *Ribes petiolare* and their horticultural varieties, except the fresh fruit thereof, from all countries.
- (d) Plants, except seeds of all species and varieties of the genus *Larix* from countries other than the United States of America.
- (e) Plants, except seeds of all species and varieties of the genera *Ulmus* and *Zelkova*, including logs, burls or wood with bark attached, whether in the raw or manufactured state, from all countries, unless each such shipment of logs, bark or wood has been kiln dried at a temperature of one hundred and thirty degrees Fahrenheit for twelve hours with relative humidity of eighty-five per cent and is accompanied by an affidavit signed by the shipper declaring that such treatment has been carried out.
- (f) Plants, including the seeds of all species, hybrids and horticultural varieties of barberry, in the genera *Berberis*, *Mahonia* and *Mahoberberis*, except such species, hybrids and horticultural varieties which have been determined on the authority of the Chief, Botany and Plant Pathology Division, to be immune to black stem-rust of wheat, *Puccinia graminis* (Pers.), from all countries.
- (g) Plants, including the seeds of all buckthorns included in the genus *Rhamnus*, except such species which have been determined on authority of the Chief, Botany and Plant Pathology Division, to be immune to crown rust of oats, *Puccinia coronata* (Cda.), from all countries.
- (h) Plants, including roots and cuttings for propagation of all species, hybrids and horticultural varieties of *Salix* (willow) from Europe.

**Destructive Insect and Pest Act—continued**

(2) The importation into the Province of British Columbia of plants, except seeds, of all species, hybrids and horticultural varieties of the genus *Corylus* (hazel, cob and filbert) from the States of Montana, Wyoming, Colorado and New Mexico, and all States of the United States east thereof, is prohibited.

**C. Restricted Imports**

210. The importation into Canada of the following plants and other matter is prohibited except in accordance with the provisions and restrictions set forth in this section:

*Potatoes*

- (a) Potatoes (*Solanum spp.*), for seed or other purposes, from the States of Pennsylvania, West Virginia and Maryland, unless the shipment is accompanied by a certificate signed by an authorized State or Federal official establishing that the potatoes comprised therein were grown outside of any area that had been quarantined for the wart disease, *Synchytrium endobioticum* (Schilb) (Perc.)
- (b) Potato tubers or portions of tubers, (*Solanum spp.*), for seed or other purposes, from countries other than those from which the importation of potatoes is prohibited, (namely: European countries, the Azores Islands, the Canary Islands and the Islands of St. Pierre and Miquelon), unless a prior permit to import potatoes from such other country is obtained from the Chief, Plant Protection Division; the application for permit shall state the quantity to be imported, the country of origin, the names and addresses of the consignor and consignee, and the purpose of the proposed importation; provided, however, that every importation authorized under this paragraph shall be imported through a port of importation designated in section 204 and shall be subject to inspection upon arrival in Canada; provided, further, that where, on inspection, any such potatoes are found to be or are suspected of being infested or infected with a pest or disease, they may be destroyed, treated or grown under quarantine at the discretion of the inspector, or a quarantine restriction may be imposed as a condition of entry.

NOTE: The restrictions and provisions contained in paragraph (b) do not apply to potatoes imported from the United States of America. For the restrictions applicable to potatoes imported from the States of Pennsylvania, West Virginia and Maryland, see paragraph (a).

*Plants, etc. from Gypsy and Brown-tail Moth Areas*

- (c) All nursery stock from Gypsy moth or Brown-tail moth areas, including all plants for the purpose of propagation or further growth, but not including plants grown in and shipped from a greenhouse, flower bulbs or perennial roots; the foliage of conifers, holly and laurel, except when used in floral funeral pieces; forest products, including logs, tan bark, posts, poles, railway ties, cordwood and lumber, and stone and quarry products from the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, and from such areas of the State of New York as may be regulated from time to time under the Gypsy and Brown-tail Moth Quarantine maintained by the United States Department of Agriculture or by a State Department of Agriculture, unless accompanied by a certificate of inspection, issued and

**Destructive Insect and Pest Act—continued**

signed by an authorized officer of the United States Department of Agriculture or a State Department of Agriculture, establishing that the shipment was examined and found free from infestation by either the Gypsy moth or Brown-tail moth.

*Plants with Soil from Asia*

- (d) All nursery stock and plants for ornamental purposes or propagation from Asia, with sand, soil or earth about the roots; provided, however, that bulbs and corms may be packed in sand, soil or earth when such packing has been sterilized by being brought to a temperature of one hundred degrees Centigrade for a period of one hour, and that the shipment is accompanied by a certificate signed by an official of the country of origin, establishing that the sand, soil or earth was so treated and in his presence; provided, further, that in shipments of bulbs or corms originating in Japan, subsoil may be used for packing, when the shipments are accompanied by a certificate issued by a duly authorized officer of the Plant Quarantine Service of Japan, establishing that the subsoil was taken from not less than two feet below the surface, that it has been sieved, sifted, dried and stored so as to prevent contamination by insects and disease, and that no dangerous insects or diseases are known to occur in the locality from which the subsoil was obtained.

*Chestnut Plants*

- (e) All species, hybrids and horticultural varieties, including the seeds, of the genus *Castanea* from Europe, Asia and the United States of America, unless each importation is accompanied by a certificate issued and signed by an authorized officer of the country of origin to the effect that the plants (including seeds) covered by the certificate are believed to be resistant to the chestnut bark disease, *Endothia parasitica* (Murr) A.A.

*Virus Diseases of Stone Fruits from the United States*

- (f) All species, hybrids and horticultural varieties of sweet cherry *Prunus avium* (including Mazzard seedling stock), sour cherry *P. cerasus*, chokecherry *P. virginiana* (including var. (*demissa*)), Mahaleb cherry *P. mahaleb*, Bessey cherry *P. besseyi*, peach *P. persica*, nectarine *P. persica* var. *nectarina*, almond *P. amygdalus*, apricot *P. armeniaca*, plum *P. domestica*, Japanese plum *P. salicina*, and Damson plum *P. insititia* including trees, rootstock, cuttings, scions and budsticks, from the United States of America to areas of Canada designated in subparagraphs (i) and (ii), unless each shipment is accompanied by a certificate of inspection issued and signed by an authorized State or Federal official establishing that the material included in the shipment was grown in a nursery or other source which was duly inspected during the growing season and is believed to be free from the virus diseases listed in subparagraphs (i) and (ii), and such other virus diseases as may be designated from time to time by the Board.

- (i) Cherry stock:

To British Columbia—Albino Cherry, Cherry Buckskin, Pink Fruit and Little Cherry.

To other provinces—Albino Cherry, Cherry Buckskin, Pink Fruit, Little Cherry and Twisted Leaf.



**Destructive Insect and Pest Act—continued**

- (ii) Peach, nectarine, almond, apricot and plum stock:

To British Columbia—Phony peach, Peach mosaic, Peach yellows, Little Peach and Yellow leaf roll.

To other provinces—Phony peach, Peach mosaic and Yellow leaf roll.

Provided, however, that this paragraph does not apply to *Prunus* stock imported for scientific purposes by universities, agricultural colleges or the Canada or provincial Departments of Agriculture, when a special permit has been issued by the Chief, Plant Protection Division, with the prior authority of the Chief, Botany and Plant Pathology Division.

*Virus Diseases of Tree Fruits from Countries other than the United States*

- (g) All species, hybrids and horticultural varieties of fruit trees including trees, rootstock, cuttings, scions and budsticks of apple, apricot, cherry, nectarine, peach, pear, plum, prune and quince, from countries other than the United States, unless accompanied by a certificate of inspection establishing that the material included in the shipment was duly inspected by an authorized officer of the country of origin and is believed to be free from such virus diseases as are designated from time to time by the Board.

Provided, however, that this paragraph does not apply to *Prunus* and *Pyrus* stock imported for scientific purposes by universities, agricultural colleges, or the Canada or provincial Departments of Agriculture, when a special permit has been issued by the Chief, Plant Protection Division, with the prior authority of the Chief, Botany and Plant Pathology Division.

*Hosts of Oriental Fruit Moth*

- (h) All species, hybrids and horticultural varieties, including the flowering forms of almond, apple, apricot, cherry, chokecherry, hawthorn (*Crataegus spp.*), nectarine, peach, pear, plum and quince trees, plants or parts thereof, including the fresh fruit and seeds thereof, into the Province of British Columbia from the United States of America unless

- (i) each shipment is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment originated in, and was shipped from a nursery, orchard, or other source in a district which had been inspected by an authorized officer, and that the Oriental Fruit Moth *Grapholitha (Laspeyresia) molesta (Busck)*, is not known to occur, either on the premises from which it was shipped, or in the district in which it was produced, or
- (ii) each shipment is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment was fumigated with methyl bromide as prescribed hereunder:

*Fresh Fruit:*

- at 80°F., 1 lb. methyl bromide per 1,000 cu ft. of space for 2 hours
- at 70°F., 1.5 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours
- at 60°F., 2 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours

**Destructive Insect and Pest Act—continued**

at 50°F., 2.5 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours

at 40°F., 3 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours

*Trees, Plants or Parts thereof:*

at 70°F., 2 lb. methyl bromide per 1,000 cu. ft. of space for 4 hours

at 60°F., 3 lb. methyl bromide per 1,000 cu. ft. of space for 4 hours

*Corn and Corn Products from the United States*

- (i) All corn stalks, including sorghums, broom corn and popcorn, whether used for packing or other purposes, green sweet corn, corn on the cob, shelled corn and corn cobs, into the Provinces of Alberta and British Columbia from the United States of America, unless
  - (i) such corn and corn parts have been manufactured or processed in such a manner as to eliminate all risk of carriage of the European corn borer, *Pyrausta nubilalis* (Hbn.), or
  - (ii) each shipment is accompanied by a certificate issued and signed by an officer of a State or the Federal Department of Agriculture, establishing that each such shipment has been fumigated in a vacuum or air-tight vault as prescribed in the following fumigation schedules, or
  - (iii) each shipment of shelled corn is accompanied by a certificate issued and signed by an officer of a State or the Federal Department of Agriculture stating that the corn has been examined and found free from the European corn borer, *Pyrausta nubilalis* (Hbn.), and corn cob and corn stalk debris, or
  - (iv) each shipment of shelled corn is accompanied by a certificate issued and signed by an officer of a State or the Federal Department of Agriculture stating that the shelled corn had been passed through a screen of half-inch mesh or less, and is believed to be free from corn parts capable of harbouring a larva of the European corn borer, *Pyrausta nubilalis* (Hbn.), or
  - (v) each shipment of such corn or corn parts is accompanied by a certificate issued and signed by an officer of a State or the Federal Department of Agriculture, establishing that the corn or corn parts contained in the shipment originated in a State in which the European corn borer, *Pyrausta nubilalis* (Hbn.), is not known to occur.

## FUMIGATION SCHEDULES

## FOR BROOM CORN, CORN STALKS AND CORN COBS

(i) *Vacuum fumigation:*

Vacuum fumigation under sustained reduced pressure throughout the exposure period, following introduction of the fumigant, of not more than two inches of absolute mercurial pressure (28-inch vacuum at sea level) with one or other of the following two fumigants:

**Destructive Insect and Pest Act—continued**

*Hydrocyanic acid gas (HCN):*

<i>Temperature of the vault and commodity to be not less than</i>	<i>Pounds per 1,000 cu. ft. of space</i>	<i>Exposure period not less than three hours</i>
60°F.	2.5	

*Methyl Bromide (CH<sub>3</sub>Br):*

<i>Temperature of the vault and commodity</i>	<i>Pounds per 1,000 cu. ft. of space</i>	<i>Exposure period</i>
60°F. or above	2.5	2.5 hrs.
50°F.—59°F.	4	2.5 hrs.
40°F.—49°F.	5	2.5 hrs.

(ii) *Atmospheric Fumigation in an Air-Tight Vault*

*Methyl Bromide (CH<sub>3</sub>Br):*

<i>Temperature of the vault and commodity</i>	<i>Pounds per 1,000 cu. ft. of space</i>	<i>Exposure period</i>
60°F. or above	2.5	16 hrs.
55°F.—59°F.	3.0	16 hrs.
50°F.—54°F.	3.5	16 hrs.
45°F.—49°F.	4.0	16 hrs.
40°F.—44°F.	4.5	16 hrs.

FOR DRIED CORN INCLUDING SEED CORN AND POPCORN ON THE COB

(i) *Vacuum fumigation:*

The temperatures, dosages and exposure period shall be as for broom corn, corn stalks and corn cobs. (See also the Note hereunder)

(ii) *Atmospheric Fumigation in an Air-Tight Vault*

*Methyl Bromide (CH<sub>3</sub>Br):*

<i>Temperature of the vault and commodity</i>	<i>Pounds per 1,000 cu. ft. of space</i>	<i>Exposure period</i>
60°F. or above	1	12-18 hrs.
60°F. or above	3	4 hrs.
50°F.—59°F.	4	4 hrs.

FOR GREEN SWEET CORN ON THE COB

*Atmospheric fumigation only with Methyl Bromide (CH<sub>3</sub>Br):*

<i>Temperature of the vault and commodity</i>	<i>Pounds per 1,000 cu. ft. of space</i>	<i>Exposure period</i>
70°F. or above	2.5	2.5 hrs.
60°F.—69°F.	3	3 hrs.
50°F.—59°F.	3	4 hrs.

NOTE: (1) Adequate ventilation of the fumigant from the products shall be provided before the shipment is released for movement.



**Destructive Insect and Pest Act—continued**

- (2) A fan shall be used in atmospheric vaults to provide adequate distribution of the fumigant.
- (3) Methyl Bromide ( $\text{CH}_3\text{Br}$ ) should not be used to fumigate *seed corn* at temperatures below  $50^\circ\text{F}$ ., or when the moisture content of the seed is over 12 per cent.

*Broom Corn from Countries Other than the United States*

- (j) All broom corn, including samples and brooms manufactured from broom corn from countries other than the United States of America, during the period May 15 to August 15 inclusive of each year, but such broom corn may be imported into Canada from countries other than the United States of America during the period August 16 to May 14 following, inclusive, where
  - (i) an application for permit is filed with the Chief, Plant Protection Division, stating the names and addresses of the consignor and consignee, country of origin, quantity in the shipment, proposed routing and expected date of arrival in Canada;
  - (ii) a permit is issued by the Chief, Plant Protection Division, or his duly authorized representative;
  - (iii) each importation enters through the port of Halifax, Nova Scotia; Saint John, New Brunswick; Quebec or Montreal, Quebec; Vancouver, British Columbia, or such other port as may be designated by the Chief, Plant Protection Division, or his duly authorized representative;
  - (iv) each shipment is examined by an inspector before it is unloaded from a ship, railway freight car, or other carrier;
  - (v) each ship, freight car or other carrier, wharf, transfer shed, storage or warehouse has been cleaned or treated as required by and to the satisfaction of an inspector;
  - (vi) each importation is fumigated either before or after unloading, as determined by an inspector, with methyl bromide at the dosage prescribed by and under the supervision of an inspector, in a vacuum vault at Vancouver or Montreal or in an air-tight atmospheric chamber or railway freight car approved by an inspector, at the seaport of arrival or at such other place as may be designated by an inspector, in which the importer has arranged to have the temperature within the chamber and the commodity at not less than  $40^\circ\text{F}$ . throughout the exposure period; provided that the provisions of this subparagraph do not apply to articles commonly known as whisks and toy brooms where, in the opinion of an inspector, there is no risk of carriage of the Durra Stem Borer, *Sesamia cretica* (Lederer) or other stem-boring insects;
  - (vii) each shipment originating in countries other than the United States, transhipped from a port in the United States, during the period October 1 and the end of February, is accompanied by a certificate of fumigation issued and signed by an authorized officer of the United States Department of Agriculture, establishing that the broom corn or brooms manufactured from broom corn, covered by the certificate, have been fumigated in accordance with the requirements of the Agricultural Research Service, Plant Quarantine Branch, United States

**Destructive Insect and Pest Act—continued**

Department of Agriculture, governing the admission of such shipments into the United States; or arrangements are made by the importer to transport such shipments across United States territory during the period October 1 and the end of February for fumigation in Canada; provided that all charges for fumigation, handling, cartage, cooperage, storage, risk or other charges associated with the importation of such broom corn, samples and brooms are borne by the importer, that any charges incurred in the cleaning or treatment of a ship, freight car or other carrier, wharf, transfer shed, storage or warehouse is borne by the owner, and that a certificate of clearance or certificate of fumigation and import permit are filed with the other entry papers at the Customs port of entry.

*Plants from Hawaii and Puerto Rico*

- (k) All nursery stock and plants for ornamental purposes or propagation with sand, soil or earth about the roots from the territories of Hawaii and Puerto Rico, unless
  - (i) the sand is clean ocean sand,
  - (ii) the sand, soil or earth is accompanied by a certificate issued by an authorized officer of the United States Department of Agriculture establishing that the sand, soil or earth has been so processed that no pest risk is involved, and
  - (iii) each shipment of plants without soil is accompanied by the certificate of inspection required by section 202.

*Fruits and Vegetables from the Hawaiian Islands*

- (l) All fruits and vegetables, in the natural or raw state; raw peel of fruits of all genera, species and varieties of the subfamilies *Aurantioideae*, *Rutoideae* and *Toddalioideae*, of the botanical family *Rutaceae*; cut flowers, rice straw and mango seed from the Territory of Hawaii, unless accompanied by a certificate of inspection issued and signed by an authorized officer of the United States Department of Agriculture, establishing that each such shipment was inspected or treated to conform to regulations administered by the Agricultural Research Service, Plant Quarantine Branch, United States Department of Agriculture, as applying to the Mediterranean fruit fly, *Ceratitis capitata* (Wied.), the melon fly, *Dacus cucurbitae* (Coq.), the Oriental fruit fly, *Dacus dorsalis* (Hendl.), and all other insects, pests or diseases.

*Wheat from Certain Countries*

- (m) All species and varieties of wheat, including straw, bran, shorts and chaff from Australia, Asia, Africa, Europe, Chile and the States of Illinois, Kansas, Washington and Missouri in the United States of America, unless a permit for each importation has been procured by the importer from the Chief, Plant Protection Division, and each shipment is accompanied by a certificate issued and signed by an authorized officer of the country of origin establishing that the material covered by the certificate was harvested in a locality where the disease flag smut, *Urocystis tritici* (Koernicke), is not known to exist; the application for permit shall give the names and addresses of the importer and exporter, the quantity and kind of material to be imported, and the purpose of importation; the permit and certificate shall be

**Destructive Insect and Pest Act—continued**

presented with the other entry papers before the release of the shipment may be permitted by Customs; provided, however, that this paragraph does not apply to wheat seed imported for scientific purposes by universities, agricultural colleges or the Department and provincial Departments of Agriculture when a special permit has been issued by the Chief, Plant Protection Division, with the prior authority of the Chief, Botany and Plant Pathology Division.

*Wheat from Certain States of the United States*

- (n) All species and varieties of wheat, including straw, bran and chaff, from the States of Washington, Wyoming, Montana, Idaho, Utah, Oregon and New York, unless a permit for each importation has been procured by the importer from the Chief, Plant Protection Division, and each shipment is accompanied by a certificate issued and signed by an authorized State or Federal official establishing that the material covered by the certificate was harvested in a locality where the disease Dwarf Bunt, (race of *Tillitia caries* (D.C.) Tul.), is not known to exist; the application for permit shall give the names and addresses of the importer and exporter, the quantity and kind of material to be imported and the purpose of importation; the permit and certificate shall be presented with the other entry papers before release of the shipment may be permitted by Customs; provided, however, that this paragraph does not apply to wheat seed imported for scientific purposes by universities, agricultural colleges, and the Department and provincial Departments of Agriculture when a special permit has been issued by the Chief, Plant Protection Division, with the prior authority of the Chief, Botany and Plant Pathology Division.

*Hop Plants*

- (o) Hop plants, including cuttings and sets for ornamental or propagation purposes from England and Wales, unless each shipment is accompanied by a certificate issued and signed by an authorized officer of the country of origin to the effect that the hop plants, cuttings or sets were grown in an area where the Progressive Verticillium Wilt disease, *Verticillium albo-atrum* (Reinke and Berth), is not known or suspected to be present.

*Used Bags from all Countries except the United States*

- (p) Used bags, slit bags, parts of bags and any used covers of like kind other than paper bags from all countries except the United States of America and the Territory of Alaska, unless
- (i) an application for permit is filed with the Chief, Plant Protection Division, stating the names and addresses of the consignor and consignee, country of origin, quantity in shipment, proposed routing, purpose of importation and expected date of arrival in Canada;
  - (ii) a permit is issued by the Chief, Plant Protection Division, or his duly authorized representative;
  - (iii) each importation enters through the port of Montreal or Vancouver or such other port as may be designated by the Chief, Plant Protection Division, or his duly authorized representative;



**Destructive Insect and Pest Act—continued**

- (iv) each importation is fumigated with methyl bromide at the rate of 8 lb. per 1,000 cu. ft. for not less than 16 hours in a vacuum chamber with a sustained vacuum of not less than 23 inches at a temperature of not less than 50° F. or such alternative treatment as may be authorized from time to time by the Chief, Plant Protection Division;
- (v) all charges for fumigation or treatment, including handling, cartage, cooperage, storage, risk or other charges associated with the importation of the products are borne by the importer; and
- (vi) a certificate of clearance or certificate of fumigation and import permit are filed with the other entry papers at the Customs port of entry.

*Root Crops from Certain Countries*

- (q) Root crops, such as horseradish, carrots, beets, parsnips, turnips, mangolds, onion sets, garlic bulbs and bulbels, in the raw or unmanufactured state, from all countries except Bermuda, the United States, the Territory of Alaska and the West Indies (including Cuba and the Bahamas), unless
    - (i) an application for permit is filed with the Chief, Plant Protection Division, stating the names and addresses of the consignor and consignee, country of origin, quantity and kind of material in the shipment, proposed routing, purposes of importation and expected date of arrival in Canada;
    - (ii) a permit is issued by the Chief, Plant Protection Division, or his duly authorized representative;
    - (iii) each importation is free from sand, soil or earth;
    - (iv) each importation is packed in new containers; and
    - (v) each importation enters through a port of importation named in section 204;
- no importation shall be moved from a port of importation unless a certificate of inspection or clearance has been issued by an inspector;
- where an importation is permitted to proceed to destination for inspection, it shall not be unpacked before the arrival of an inspector;
- where, on inspection, the importation is found to be infested or infected with any pest or disease, it shall be dealt with in accordance with section 112; and a clearance or inspection certificate and import permit shall be filed with the other entry papers at the Customs port of entry.

**PART III—IMPORTATIONS OF INSECTS, PESTS OR DISEASES FOR  
SCIENTIFIC OR EDUCATIONAL PURPOSES**

301. The importation into Canada of living insects, pests and diseases is prohibited except in accordance with the provisions and restrictions set forth hereunder:

Any living stage of the numerous small invertebrate animals except honey bees, *Apis mellifera* (L) belonging to the phylum Arthropoda (as for example, insects, mites, ticks, centipedes); any form of elongated invertebrates lacking appendages, commonly referred to as worms, except earthworms of the family *Lumbricidae*, commonly used for fish

**Destructive Insect and Pest Act—continued**

bait or soil culture (as, for example, Nematodes); any form of protozoa; any form of fungi (as, for example, rusts, smuts, moulds and yeasts); any form of bacteria; any form of viruses, or any form of similar or allied organisms which may directly or indirectly affect, injure or cause disease in plants, from all countries, unless

- (a) the proposed importation is to be used for scientific or educational purposes only;
- (b) an application is submitted to the Chief, Plant Protection Division, stating the names and addresses of the consignor and consignee, the scientific name of the pest or disease, the institution or place of origin, quantity, number of containers, the purpose of the importation and the name and address of the institution where the material will be used;
- (c) the application is approved by the Chief, Entomology Division, or the Chief, Botany and Plant Pathology Division, or under the authority of either;
- (d) a permit is issued by the Chief, Plant Protection Division, or his duly authorized representative;
- (e) the importation is routed through one of the ports specified in section 204, or through Belleville or Sault Ste. Marie, or other port of importation that may later be established;
- (f) the forwarding label issued with the permit, designating the port through which the importation shall be routed, has been forwarded by the importer to the shipper and attached to the outside of each container; and
- (g) a release certificate issued by an authorized inspector at the port of importation is presented by the importer with the permit at the Customs port of entry.

302. (1) Every importation authorized under section 301 is subject to inspection at the port of importation and may be held for further examination if, in the opinion of the inspector, such importation includes insects or other organisms not specifically covered by the permit.

(2) Every importation held for further examination pursuant to subsection (1) shall, when found to include insects or other organisms not specifically covered by the permit, be refused entry or destroyed.

**PART IV—THE MOVEMENT OF PLANTS WITHIN CANADA****A. Prohibited Plants**

401. The movement within Canada of the plants specified hereunder is prohibited:

- (a) Plants, except seeds, of all species, hybrids, and horticultural varieties of the genus *Corylus* (hazel, cob and filbert) to the Province of British Columbia from any other province in Canada.
- (b) Plants including the seeds of all species, hybrids and horticultural varieties of barberry, in the genera *Berberis*, *Mahonia* and *Mahoberberis* other than such species, hybrids and horticultural varieties which have been determined on the authority of the Chief, Botany and Plant Pathology Division, to be immune to black stem-rust of wheat (*Puccinia graminis* (Pers.), from any province to any other province in Canada.

**Destructive Insect and Pest Act—continued**

- (c) Plants including the seeds of all buckthorns included in the genus *Rhamnus*, other than such species which have been determined on authority of the Chief, Botany and Plant Pathology Division, to be immune to crown rust of oats, *Puccinia coronata* (Cda.), from any province to any other province in Canada.
  - (d) Plants including trees, rootstock, cuttings, scions, budsticks, fresh fruit and seeds of all species, hybrids and horticultural varieties of peach and nectarine to the Province of British Columbia from the Province of Ontario.
  - (e) Potatoes (*Solanum spp.*) for seed or other purposes and all containers used in the handling or shipment thereof, from the Province of Newfoundland to any other province of Canada.
  - (f) Soil, including plants with soil, and second-hand bags, from the Province of Newfoundland to any other province of Canada.
402. Notwithstanding section 401, the movement within Canada of the plants specified therein may, for scientific purposes only, be authorized by the Chief, Botany and Plant Pathology Division.

**B. Restricted Plants**

403. The movement within Canada of the plants and other matter specified hereunder are prohibited except in accordance with the following provisions and restrictions.

*Corn and Corn Products*

- (a) All corn stalks including sorghums, broom corn and popcorn, whether used for packing or other purposes, green sweet corn, corn on the cob and corn cobs, and any living stage of the European corn borer, *Pyrausta nubilalis* (Hbn.), from the area comprised by the Provinces of Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland to any point in Canada outside of that area, unless
  - (i) such corn and corn parts have been manufactured or processed in such a manner as to eliminate all risk of carriage of the European corn borer;
  - (ii) each shipment of corn or corn products is accompanied by a certificate issued and signed by an inspector of the Plant Protection Division establishing that each such shipment has been fumigated as prescribed in paragraph (i) of section 210;
  - (iii) the corn or corn products are to be used for scientific purposes by the Department or by a provincial Department of Agriculture, and each shipment is accompanied by a certificate of inspection issued and signed by an inspector of the Plant Protection Division establishing that each such shipment is free from infestation by the European corn borer;

or

- (iv) the corn is dried seed corn on the cob for exhibition purposes, and each shipment is accompanied by a certificate of inspection issued and signed by an inspector of the Plant Protection Division establishing that each such shipment is free from infestation by the European corn borer.



**Destructive Insect and Pest Act—continued***Hosts of the Oriental Fruit Moth*

- (b) All species, hybrids and horticultural varieties including the flowering forms of almond, apple, apricot, cherry, chokecherry, hawthorn (*Crataegus spp.*) pear, plum and quince trees, plants and parts thereof, including the fresh fruit and seeds thereof and any living stage of the Oriental fruit moth, *Grapholitha (Laspeyresia) molesta* (Busck), from any other province in Canada to British Columbia, unless
- (i) each shipment from the Province of Ontario of such plants or plant parts or the fresh fruit thereof is accompanied by a certificate of fumigation issued and signed by an inspector of the Plant Protection Division establishing that the shipment has been fumigated in an air-tight chamber with methyl bromide as prescribed in paragraph (h) of section 210; and
  - (ii) each shipment from any province other than Ontario is accompanied by a certificate of origin issued and signed by an inspector of the Plant Protection Division or an official of the provincial Department of Agriculture; or
  - (iii) shipments of budsticks or scions of such plants from the Province of Ontario are imported for scientific or experimental purposes by the Department or the British Columbia Department of Agriculture, and are accompanied by a certificate of inspection issued and signed by an inspector of the Plant Protection Division, establishing that the shipment has been examined and found apparently free from infestation by the Oriental fruit moth.

*Elm Plants and Products*

- (c) Plants, except seeds, of all species and varieties of the genus *Ulmus*, including elm logs, burls, or wood with bark attached, whether in the raw or manufactured state from the area comprised by the Provinces of Quebec and Ontario, except the Districts of Thunder Bay, Rainy River, Kenora, Patricia, Cochrane and Algoma in the Province of Ontario, to other areas in Canada, unless
- (i) each shipment has been kiln dried at a temperature of one hundred and thirty degrees Fahrenheit for twelve hours, with relative humidity of eighty-five per cent and is accompanied by an affidavit signed by the shipper declaring that such treatment has been carried out; or
  - (ii) each shipment originating in a non-regulated area is shipped through the area specified on a through bill of lading.

*Cherry and Chokecherry from British Columbia*

- (d) All species, hybrids and horticultural varieties of cherry and chokecherry, including trees, rootstock, cuttings, scions and budsticks from the Province of British Columbia to any other province of Canada, unless each shipment is accompanied by a certificate issued and signed by an authorized official of the Department or of the British Columbia Department of Agriculture establishing that the material included in the shipment originated in and was shipped from a nursery or other source which was duly inspected during the growing season and is believed to be free from the virus diseases Little Cherry, Twisted Leaf and Lambert Mottle.

**Destructive Insect and Pest Act—continued***Peach and Nectarine to British Columbia*

- (e) All species, hybrids and horticultural varieties of peach and nectarine, including trees, rootstock, cuttings, scions, budsticks, and the fresh fruit and seeds thereof, from any province in Canada other than Ontario (see paragraph (d) of section 401), to the Province of British Columbia, unless each shipment is accompanied by a certificate of origin issued and signed by an authorized official of a provincial Department of Agriculture or an inspector of the Plant Protection Division.

**PART V—EXPORTS****A. Apples**

501. (1) The export of apples from Canada to countries other than the United States of America is prohibited except in accordance with the following provisions and restrictions:

(2) No person shall export fresh apples of any variety to any country other than the United States of America unless an export inspection certificate with respect thereto is issued and signed by a duly authorized inspector.

(3) No export inspection certificate shall be issued with respect to any apples unless they were produced in an area in which the apple maggot has not been known to occur, or in an apple maggot control zone, and complete apple maggot control measures as prescribed by the Entomology Division of the Department have been carried out in that zone and the three hundred yards surrounding that zone; provided, however, that with the authority of a duly authorized representative of the Entomology Division of the Department, control measures may be modified or waived with regard to sections of zones or individual orchards within which the apple maggot has not been known to occur during the preceding six years.

(4) For the purposes of this Part,

(a) apple maggot control zones shall be such zones as are from time to time established by the provinces in which they are situated, when full information with respect thereto and with respect to any changes therein are furnished to the Chief, Plant Protection Division, not later than the first day of July in each year, and when, under the laws of the province, the control measures referred to in subsection (3) can be carried out and the province appoints the required number of qualified inspectors to enforce such control measures as are required from year to year; and

(b) an apple maggot control zone may comprise a geographical area of any designated size, or an individual orchard.

(5) The apple maggot control measures referred to in subsection (3) include the treatment of all native hawthorn trees, neglected and wild apple trees, in such a manner as to render them incapable of producing fruit, or the application to such trees of complete apple maggot sprays.

(6) The inspection of apples for the purposes of this Part shall be on the following basis:

(a) organization and policy relating to inspection preliminary to export certification, as carried out in each province, shall be subject to the approval of the Chief, Plant Protection Division;

**Destructive Insect and Pest Act—continued**

- (b) an inspector shall make a pre-harvest inspection of all varieties of apples in the orchard or orchards within each zone; provided, however, that such degree of inspection may be modified or waived if in the opinion of a duly authorized representative of the Chief, Plant Protection Division, the apple maggot has not been known to exist or has been successfully eradicated in a specified zone or part thereof;
- (c) apples found apparently free from apple maggot infestation during pre-harvest inspection shall be subject to further inspection at the time of packing, by an inspector and, subject to the provisions of subsection (7), shall be eligible for export when they comply with the regulations under the Fruit, Vegetables and Honey Act;
- (d) it shall be sufficient to inspect apples by varieties within an orchard; and
- (e) where wild or neglected apple trees or native hawthorn trees have not been treated as provided in subsection (5) or where apple maggot control measures have not been applied to such trees, no apples grown within three hundred yards thereof shall be eligible for export unless they are submitted to cold temperature treatment in accordance with subsection (8).

(7) Apples found eligible for export under this Part shall be harvested, marked and stored in such manner that they can be identified as to orchard of origin to the satisfaction of an inspector of the Fruit and Vegetable Division of the Department.

(8) Apples that are very lightly infested with the apple maggot during the orchard inspection and subsequent packing inspection shall be eligible for export under this Part when

- (a) the variety is Ben Davis, Stark, Gano, Spy, Baldwin, Golden Russet, Jonathan, Tolman, King, Wagener, Cranberry, Canada Red, Mann, Phoenix or other winter variety;
- (b) the apples are in a hard condition when placed in cold storage and no mellow fruit is present; and
- (c) under the supervision of an inspector of the Fruit and Vegetable Division of the Department, the apples have been held in commercial cold storage for a period of at least eight weeks at a continuous temperature of from thirty-two to thirty-three degrees Fahrenheit.

(9) Export inspection certificates to be issued under this Part by an inspector shall be in one of the following forms:

- (a) the official export inspection certificate issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 24-D Series), shall have the following declaration, duly signed, superimposed thereon:

"In accordance with Part V of the Regulations made under the Destructive Insect and Pest Act, the shipment of Apples covered by this Export Certificate has been inspected and may be exported to .....

*Inspector, Destructive Insect and Pest Act";*



**Destructive Insect and Pest Act—continued**

- (b) the official "Inspected" card (MF 36 or MF 37) issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 36 or MF 37) shall have imposed thereon the declaration referred to in paragraph (a), duly signed;
  - (c) the "Release" permit issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 29-Y Series) shall have imposed thereon the declaration referred to in paragraph (a), duly signed; or
  - (d) the official certificate of inspection (Form PP 201) issued by an inspector of the Plant Protection Division at the port of export.
- (10) Export inspection certificates shall be dealt with as follows:
- (a) in the case of exports by ship, the certificate shall be furnished to the ship's agent at the port of export, who shall attach the same to the export entry to be filed with the Collector of Customs;
  - (b) in the case of exports by railway freight or express, the export certificate in any one of the forms specified in subsection (9) shall be made available to the Collector of Customs at the port of export for filing with the export entry.
- (11) This Part applies to gift shipments offered for export.

(12) No person shall export fresh apples by parcel post to countries other than the United States of America.

(13) No common carrier, steamship company or any other person shall accept for export any fresh apples to which this Part applies unless an export inspection certificate has been issued and signed in respect thereof in accordance with this Part.

**B. Potatoes**

502. The export of potatoes, (*Solanum spp.*), whether for seed or other purposes, to all countries from the Province of Newfoundland, is prohibited.

**PART VI—THE PRODUCTION AND SALE OF CERTIFIED SEED POTATOES**

601. The provisions of this Part apply to all provinces of Canada except the Province of Newfoundland.

602. (1) The production, advertising and sale of potatoes as seed and potato eyes is prohibited except in accordance with the provisions and restrictions of this Part.

(2) No person shall label, package, advertise or sell potatoes and potato eyes as seed in any manner that is false, misleading or deceptive.

603. In this Part,

- (a) "approved seed firm" means a firm the chief business of which is the selling of seed, either wholesale or retail, and which does not sell or have on its premises any potatoes that have not been certified as seed potatoes, and includes a firm which maintains a separate seed division in its establishment and is in a position to provide entirely for the separate storage, handling and sale of seed potatoes;

**Destructive Insect and Pest Act—continued**

- (b) "certification" means the examination by an inspector of the crop at least twice during the growing season, the inspection of a representative sample or samples of the tubers from such crop and during which inspections such crop and tubers were found to conform with the provisions and restrictions of this Part;
- (c) "Class" means a class of seed potatoes established pursuant to the provisions of this Part, namely "Certified Foundation" and "Certified";
- (d) "crop" means potato crop;
- (e) "equipment" includes all machines, implements, tools, conveyors, graders, conveyances, barrels, baskets, bags, crates or other equipment used in the production and handling of the potato crop;
- (f) "Foundation", as applied to seed potatoes, means "Certified Foundation";
- (g) "grower" means a seed potato grower;
- (h) "official tag" means the tag issued by the Department for seed potatoes;
- (i) "roguing" means
  - (i) the removal from tuber unit fields, and the destruction of all plants in a tuber unit and the tubers produced thereon, where any plant in the unit is found to be diseased or defective; and
  - (ii) the removal from the fields not planted in tuber units of any diseased or defective plant, and the tubers produced thereon;
- (j) "seed potatoes" means potatoes produced in accordance with the provisions and restrictions of this Part;
- (k) "size" refers to weight only, established pursuant to the provisions of this Part, for example, size "A" (3 to 12 ounces), size "B" (1½ to 3 ounces);
- (l) "tuber unit" means one plant produced from a whole tuber or two or more consecutive plants produced from sets cut from one tuber; and
- (m) "tuber unit field" means a field that is planted throughout in tuber units and from which the whole unit is rogued if any plant in the unit has been found to be diseased or defective.

*Applications*

604. (1) Applications for field inspection shall be made on the form provided and shall be mailed not later than June 15 to the District Inspector at the address printed on the form.

(2) Applications received between June 16 and June 30 may be accepted only at the discretion of the District Inspector, provided that an inspection can then be conveniently carried out.

(3) Where a field is planted with seed that was not produced by the applicant,

- (a) a tag from one container of the seed that was planted shall be attached to the application, and the remainder of the tags shall be retained by the applicant for examination by the inspector at the time of first inspection; or

**Destructive Insect and Pest Act—continued**

- (b) a certificate in duplicate signed by an inspector, shall be obtained establishing that the seed could not be tagged due to the presence of scab or off-type tubers; one copy shall accompany the application and the other copy shall be retained by the applicant for examination by the inspector at the time of first inspection.
- (4) Applications from scattered and outlying districts shall be accepted only where, in the opinion of the District Inspector, there are special circumstances that justify the inspections.
- (5) Applications for field inspections shall be refused where,
  - (a) the applicant, having received official tags during the previous season, attached such tags to containers of potatoes that were not graded to official tuber standards;
  - (b) the applicant misused any tags by attaching them to containers of potatoes that were not grown in the field specified by the certificate number stamped on the tags, or attached such tags to seed which was certifiable at the lower Class, or attached tags that were issued for any previous year's crop;
  - (c) potatoes other than certified seed of either of the two established Classes have been planted on the applicant's farm; in this paragraph "applicant's farm" means any premises for which the applicant is responsible or in which he takes part in the production of a potato crop, comprising the planting, cultivating or harvesting thereof, with the use of his field equipment and his bags, barrels, or other containers;
  - (d) fields of less than one acre are not planted in tuber units; or
  - (e) the applicant has failed to comply with any other requirement of this Part.

*Requirements for Fields Entered for Certification*

605. (1) All fields entered for certification shall be planted with Foundation seed.

(2) A field planted with potatoes produced by the applicant in a field that passed inspection to Foundation standards shall be regarded as planted with Foundation seed.

(3) Where two or more crops of different varieties are planted adjacent to each other, there shall be a minimum space of two rows between varieties.

(4) No crop shall be certified that is produced within two hundred feet of another potato crop in which there is more virus disease than is permitted in the standards for "Certified" seed potatoes, but this provision does not apply where there is present a barrier that, in the opinion of the inspector, affords a protection of the seed field against virus disease vectors.

(5) Fields that cannot be inspected adequately because of late planting, lack of cultivation, weeds or leaf injury in the plants shall be rejected.

(6) New varieties for which certified seed tags cannot be obtained shall pass field inspections for two successive years and be licensed for sale in Canada under regulations of the Seeds Act administered by the Production Service, Department of Agriculture, before they may be certified.



**Destructive Insect and Pest Act—continued***Condition and Storage of Crops Produced in Fields that have Passed Inspection*

606. (1) When harvesting potatoes in a field infected with late blight, the grower shall remove all tubers visibly infected and hold the remainder for a period of at least two weeks, when a further inspection shall be made; if the crop is then within the tuber standards for late blight (dry rot) it may be graded for immediate shipment, but where the disease has developed beyond the tolerance allowed, the potatoes shall not be certified immediately and shall be held for a period of at least sixty days for further inspection.

(2) All seed potato crops stored in bulk, whether on farm or other premises, shall be kept entirely separate from table stock potatoes; the required separation shall consist of

- (a) storage in a building where no table stock potatoes are present; or
- (b) storage in a section of a building that is completely separated from any other section where table stock potatoes or any other strain or variety of seed potatoes are stored, in such a manner as to prevent, to the satisfaction of the inspector, any possibility of mixture with table stock potatoes, or one variety with another, either during actual storage or in grading or shipping operations.

(3) The crop shall be sufficiently free from dirt or other foreign matter to permit adequate examination of the tubers.

(4) Persons or firms operating storage warehouses shall preserve the identity of each lot of seed potatoes held and shall give inspectors sufficient notice of the intended shipment of any such seed potatoes.

(5) Seed potatoes to be inspected shall be made accessible and so placed as to disclose their quality and condition and inspectors shall be rendered such assistance as they may require to carry out the inspections.

*Tags*

607. (1) Official tags shall have printed upon them,

- (a) the class and size of the seed to which they are to be attached,
- (b) the certificate number of the seed,
- (c) the date of tuber inspection, and
- (d) the following declarations:

“The Department of Agriculture for Canada declares that the field specified by the certificate number stamped on the front of this tag passed inspections for.....

*(Class of seed to be printed here)*

seed, and that, on the date shown a representative sample of the crop was inspected and found to be within the tuber standards established.”

“The grower declares that this tag was attached to a container of potatoes that were grown in the field specified and were graded to the tuber standards for.....

*(Class and size of seed to be printed here)”;*

(2) Official tags shall be issued by the inspector to the grower or his agent for seed potatoes produced by the grower, which grower or agent (at the discretion of the inspector) shall be responsible for grading the tubers in accordance with the standards established.

**Destructive Insect and Pest Act—continued**

(3) Any loose tags found in trucks, freight cars, storages or other premises shall be destroyed.

(4) All tags shall be removed from the original containers and destroyed before the containers are again used for the sale of potatoes or any other produce.

(5) No person shall have in his possession any official tags that have not been stamped and otherwise completed by an inspector to record the field certificate number and the date of inspection, and no person other than an inspector shall complete an official tag by the addition of such certificate number and date.

*Marking*

608. An official tag shall be attached by the grower or his representative to each container of seed potatoes sold or disposed of by him, and shall be attached only to containers of potatoes that were produced in the field indicated by the certificate number shown on such tag; provided, however, that in the case of potatoes of exceptionally high quality, but which have more scab or off-type tubers than are allowed in the tuber standards, a certificate may be issued by the inspector at his discretion.

*Marketing*

609. (1) Seed potatoes shall be marketed in original closed containers of at least fifty pounds net weight, to each of which an official tag shall be attached, except

- (a) when a certificate is issued as provided for in section 608, or
  - (b) when a permit is issued as provided for in section 610.
- (2) Seed potatoes shall be shipped in new containers only.

*Small Packages*

610. (1) Notwithstanding the provisions of this Part, any approved seed firm may obtain from the Plant Protection Division a permit to repackage seed potatoes from the original containers into packages of less than fifty pounds in weight; provided that the firm attaches to each package a tag or label on which are specified the name of the firm and the name of the variety, the size and certificate number of the potatoes contained in the package; the firm shall account for and return to the District Inspector, as he may direct, all official tags removed from the original containers.

(2) The repackaging of seed potatoes into containers of fifty pounds or more shall be carried out only by authority of and under the supervision of an inspector.

*Record of Sales*

611. (1) Each grower to whom official tags are issued shall keep, on the form supplied to him, a record of the shipments for which the tags have been used, and shall return the completed form to the District Inspector, together with any official tags issued to, but not used by him.

(2) On the instructions of an inspector, a shipper who sells certified seed potatoes shall record on the waybill or sales document the certification numbers, class and quantity of each variety and the required record shall be produced on demand to an authorized inspector of the Plant Protection Division at the shipping point or destination.

**Destructive Insect and Pest Act—continued***Reinspections*

612. (1) An inspector may reinspect seed potatoes at any time, and may place under detention any potatoes found to be below tuber standards, and no person shall sell or offer for sale, move, allow or cause to be moved, any such seed potatoes without the written authority of an inspector.

(2) An inspector may require the person in possession of potatoes placed under detention to regrade the potatoes to the tuber standards set forth in section 615.

(3) Where potatoes are not graded as required, the official tags shall be removed from the containers and destroyed under the supervision of an inspector.

*Bacterial Ring Rot*

613. (1) Where bacterial ring rot is found in any potato field or crop, all crops on the farm on which it is found shall be rejected except those seed crops that, in the opinion of the Chief, Plant Protection Division, have been produced and stored in such a manner as to safeguard them from contamination.

(2) All crops shall be rejected, whether produced on the same farm or not, that, in the opinion of the inspector, may have become contaminated with bacterial ring rot in any manner.

(3) Community and custom, planting, cultivating and harvesting equipment shall be disinfected to the satisfaction of the inspector before being operated in a field entered for certification.

(4) Equipment used in grading table stock shall be disinfected to the satisfaction of the inspector before being used in grading certified seed.

(5) An inspector may remove the tags from any lot of potatoes bearing the same certificate number as the crop in which bacterial ring rot has been found.

(6) Growers, owners, tenants or lessees of any property, premises or place where bacterial ring rot is found shall carry out the control measures required by the inspector before again producing, storing, grading or marketing certified seed potatoes.

*Field Standards*

## 614. (1) Certified Seed

(a) *Tolerances*

The following tolerances shall be the maximum for fields in which "Certified" seed potatoes are produced:

Diseases	Per Cent of Plants	
	1st Inspection	2nd Inspection
Blackleg.....	2.0	1.0
Wilts.....	2.0	1.0
Any one virus disease.....	1.0	0.5
Total, all virus diseases.....	2.0	1.0
Total, all diseases.....	3.0	2.0
Foreign varieties.....	1.0	0.1



**Destructive Insect and Pest Act—continued**

(b) Certification tags, however, shall not be issued:

- (i) For seed potatoes produced in any field in which there were present aphids or other insects, or any other adverse condition, that might cause serious deterioration of the seed stock; or
- (ii) Where more than five per cent of the plants are missing at the time of first or second inspection, unless the grower can satisfy the inspector that the plants had not been rogued for disease.

(2) Foundation Seed

(a) *Tolerances*

The following tolerances shall be the maximum for fields in which "Foundation" seed potatoes are produced:

(i) For fields planted in tuber units:

Diseases	Per Cent of Units	
	1st Inspection	2nd Inspection
Blackleg.....	0.5	0.25
Wilts.....	0.5	0.25
Any one virus.....	0.5	0.25
Total, all viruses.....	0.5	0.25
Total, all diseases.....	1.0	0.5
Foreign varieties.....	0.5	Nil

(ii) For fields not planted in units:

Diseases	Per Cent of Plants	
	1st Inspection	2nd Inspection
Any one virus.....	0.25	0.1
Total, all viruses.....	0.25	0.1
Total, all diseases.....	0.5	0.25
Foreign varieties.....	0.1	Nil

(b) Foundation tags shall not be issued:

- (i) For seed potatoes produced in any field or plot in which there were present aphids or other insects or any other adverse condition that might have caused serious deterioration of the seed stocks; or
- (ii) Where more than three per cent of the units are missing in a tuber unit field, or more than two per cent of the plants in a field not planted in tuber units, unless the grower can satisfy the inspector that the missing units or plants were not rogued for disease.

**Destructive Insect and Pest Act—continued***Tuber Standards*615. (1) *Tolerances*

The following tolerances for diseases and defects shall be the maximum for seed potatoes of the classes and sizes established by this Part, at loading point inspections:

<i>Disease or Defect</i>	<i>Per Cent of Tubers</i>
Wet rots .....	0·1
Dry rots including late blight .....	1·0
Scab and rhizoctonia:—	
Slight .....	10·0
Moderate .....	5·0
Stem-end discoloration due to top-killing, frost, heat, drought or chemicals:—	
with penetration to $\frac{1}{2}$ inch .....	4·0
with penetration to $\frac{1}{4}$ inch .....	10·0
with penetration of less than $\frac{1}{4}$ inch .....	unlimited
Leaf Roll (net or stippled) necrosis .....	1·0

Provided that,

- (a) the total does not exceed five per cent (except in the case of slight scab or rhizoctonia and stem-end discoloration); and
- (b) not more than two per cent of the tubers are off-type through malformation, or badly damaged by sunburn, cuts, cracks, bruises, insects or otherwise, except that at destination an additional one per cent may be allowed for these defects; frost damage may be included in these defects at destination but the total of all such defects shall not exceed three per cent.

(2) *Size of Tubers*

Not more than five per cent by weight of the tubers shall be below three ounces or above twelve ounces in the Foundation and Certified, size "A", except that, with respect to long varieties such as Netted Gem and White Rose, the size may be three ounces to sixteen ounces; in size "B" not more than three per cent by weight of the tubers shall be below one and one-half ounces or above three ounces; provided that this requirement may be waived in cases where the purchaser specifies a special size.

*Potato Eyes*

616. (1) Potato eyes shall be cut only from certified seed potatoes.

(2) The average weight of freshly cut potato eyes shall not be less than one-half ounce, and not more than five per cent of the eyes shall be less than three-quarters of an inch in depth.

(3) Potato eyes shall be firm and free from visible damage caused by bacteria, fungi or insects.

(4) Each container shall have attached to it a label or tag issued by the Department for potato eyes; these tags or labels shall be issued only to firms which qualify as an "approved seed firm".

(5) The certificate number and the name of the variety of the certified seed potatoes from which the eyes were cut shall be specified by the firm on the tag or label, but the class of certified seed from which the eyes were cut shall not be specified.

**Destructive Insect and Pest Act—continued**

*Illegal Manufacture or Sale of Tags*

617. The reproduction, sale or use of certified seed potato tags, other than by authority duly granted under this Part, is prohibited.

**PART VII—THE PRODUCTION AND SALE OF NARCISSUS, TULIP, IRIS AND HYACINTH BULBS GROWN IN THE PROVINCE OF BRITISH COLUMBIA**

701. The production and sale of narcissus, tulip, iris and hyacinth bulbs as Foundation, Certified, or Commercial, grown in the Province of British Columbia, is prohibited except in accordance with the provisions and restrictions set forth hereunder:

702. In this Part,

- (a) "bulb" means a narcissus, tulip, iris or hyacinth bulb;
- (b) "circumference" means the measurement of the circumference of the bulb at the greatest diameter taken at right angles to a straight line from the tip to the base of the bulb;
- (c) "damage" means any injury from causes which materially affect the general appearance of the lot, or the shipping or growing quality of the individual bulbs;
- (d) "double nose" means a bulb which shows evidence of producing two or more blooms;
- (e) "Official Tag" means (i) a tag or label for "Foundation", or "Certified" classes of bulbs as issued and supplied by the Chief, Plant Protection Division, or (ii) a tag or label approved by such officer to be supplied by growers or shippers to attach to containers of the "Commercial" class of bulbs;
- (f) "round" means a single-nosed bulb which is fairly circular in cross section and shows evidence of producing one flower;
- (g) "well cured" means well ripened and in suitable condition for packing, shipping and a reasonable period of storage; and
- (h) "well shaped" means appearance fully characteristic of the variety.

*Sale and Shipment of Bulbs*

703. No bulb grower in British Columbia shall sell any bulbs produced in British Columbia unless the requirements of this Part with respect to inspection, grading, packing and labelling have been complied with in relation to those bulbs.

704. No person shall ship and no common carrier shall accept for shipment bulbs produced in British Columbia from any place in British Columbia to any place outside British Columbia unless the requirements of this Part with respect to inspection, grading, packing and labelling have been complied with in relation to those bulbs.

*Classes*

705. The following classes are hereby established for bulbs grown in British Columbia, namely, Foundation, Certified, and Commercial.

706. Foundation and Certified bulbs are bulbs that are well cured, firm and well shaped and meet the tolerances prescribed in this Part for Foundation and Certified bulbs respectively.

707. Commercial bulbs are bulbs that meet the tolerances prescribed in this Part for that class.



**Destructive Insect and Pest Act—continued**

708. No bulbs shall qualify as Foundation or Certified unless they were produced in fields or plots inspected under this Part.

*Standards*

709. The maximum tolerances for diseases, insects and other defects for narcissus, tulip, iris and hyacinth bulbs shall be those set out in Schedule I.

710. The standards of sizes for Foundation, Certified and Commercial classes shall be those designated in Schedule II and shall be clearly marked on the outside of each container by the grower or shipper.

*Field Inspection*

711. (1) Applications for field inspection shall be made on a form prescribed by the Chief, Plant Protection Division, and shall be mailed not later than the fifteenth day of March to the District Inspector at the address printed on the form.

(2) Applications received between the fifteenth and the thirty-first day of March may be accepted only at the discretion of the District Inspector.

(3) All information required by the form shall be provided by the applicant.

(4) Proof of the quality and origin of the planting stock may be required at the discretion of the inspector.

(5) Applications from scattered or outlying districts shall be accepted only when, in the opinion of the inspector, there are special circumstances that justify the inspections.

(6) Applications for field inspection may be refused where

- (a) the applicant, having received official tags for the previous season's crop, attached such tags to containers of bulbs that were not grown in the field or plot specified by the number stamped on the tags, or attached such tags to containers of bulbs that were classified at a lower class, or deliberately utilized invalid tags;
- (b) the applicant, during the previous shipping season, attached official tags to containers of bulbs that were not graded in accordance with this Part; or
- (c) the applicant has failed to comply with any of the requirements of this Part or the Act.

712. Fields or plots entered for inspection shall conform to the following requirements:

- (a) bulbs used in planting shall be a part of a crop grown during the previous season and classified as Foundation, or Certified except under circumstances justifying special consideration in the discretion of the inspector;
- (b) each field or plot shall be clearly defined in area and labelled, and adequate safeguards from disease contamination, satisfactory to the inspector, shall be established;
- (c) each field or plot shall be planted with at least five thousand bulbs of a variety, except in the case of new varieties or for other reasons which, in the opinion of the inspector, justifies the acceptance for inspection of a plot of lesser size;
- (d) the planting stock shall be stock that was not forced the previous season;
- (e) the flowers from the crop under examination shall not be cut, except to conform with normal cultural practices;

**Destructive Insect and Pest Act—continued**

- (f) an inspector may reject a plot by reason of insufficient growth, inadequate cultivation, physiological breakdown or drowning;
- (g) bulb treatments applied to planting stock shall be subject to advance approval by the inspector; and
- (h) the grower shall declare the nature of the treatment applied, if any, on the application for inspection.

*Storage*

713. Bulbs from crops qualifying for certification shall be stored by the grower so as to provide accurate and continuous identification of origin satisfactory to an inspector and shall be handled so as to preserve quality.

*Packing*

714. (1) All bulbs sold by a grower in British Columbia and all bulbs shipped from British Columbia to any place outside British Columbia shall be packed in containers other than sacks.

(2) New containers shall be used except when the bulbs are sold for planting within the district where they are grown.

*Labelling*

715. (1) All containers of Foundation and Certified bulbs sold by a bulb grower or shipped from British Columbia to a place outside British Columbia shall have attached or affixed thereto an official tag or label issued by the Plant Protection Division, showing the kind and variety of bulbs in the container, the class thereof as established by this Part, the size where applicable, grower's name and address, field inspection report number and date of issue, and shall contain a declaration under the original or facsimile signature of the bulb grower that the bulbs in the container were graded in accordance with this Part.

(2) All containers of Commercial bulbs sold by a bulb grower or shipped from British Columbia to a place outside British Columbia shall have attached or affixed thereto an approved tag or label as defined in paragraph (e) of section 702 showing the kind and variety of bulbs in the container, the class thereof as established by this Part, the size where applicable, and the grower's name and address or his Association number.

716. No person shall apply any class name established by this Part to any bulbs grown in British Columbia unless the bulbs were graded, packed and labelled as required by this Part and unless the bulbs conform to all the requirements of this Part for that class.

717. No person shall apply an official tag to any bulbs grown in British Columbia unless the bulbs in the container comply with all the statements on the tag.

718. No person shall attach to any container of bulbs any tag, certificate or label, not being an official tag, that so closely resembles an official tag that it is likely to be mistaken therefor.

*Detention*

719. (1) An inspector may seize and detain any containers, tags or bulbs by means of or in relation to which he reasonably believes an offence against this Part has been committed.

(2) Where an inspector has made a seizure under subsection (1), the article seized shall be held at the risk and expense of the owner, and the

**Destructive Insect and Pest Act—continued**

requirements of this Part with respect to such article shall be complied with to the satisfaction of an inspector or, failing such compliance, the article shall be returned to the shipper or grower or destroyed.

**SCHEDULE I****(a) Narcissus**

The maximum tolerances in percentages for narcissus diseases, etc., are as follows:—

Diseases, etc.	Foundation		Certified			Commercial	
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Bulb eelworm.....	0·0	0·0	0·0	0·0	0·0	0·0	1·0
Smoulder.....	0·5	0·25	0·1	1·0	0·5	1·0	2·0
Mosaic (Virus).....	0·25	n.a.	n.a.	0·5	n.a.	n.a.	n.a.
White Streak (Virus).....	n.a.	0·5	n.a.	n.a.	2·5	n.a.	n.a.
Basal rot.....	0·1	0·1	0·1	0·5	0·5	1·0	2·0
Mites.....	0·1	0·1	0·1	0·5	0·5	0·5	1·0
Mechanical and other injury.....	n.a.	n.a.	1·0	n.a.	n.a.	1·0	2·0
Other diseases.....	1·0	0·5	0·1	1·0	1·0	1·0	1·0
Rogues.....	2·0	0·1	n.a.	2·0	0·1	n.a.	n.a.
Total defects (injury and disease)...	3·0	1·0	1·0	5·0	3·0	3·0	6·0
Bulb Fly.....	n.a.	n.a.	3·0	n.a.	n.a.	3·0	3·0

**(b) Tulip**

The maximum tolerances in percentages for tulip diseases, etc., are as follows:—

Diseases, etc.	Foundation		Certified			Commercial	
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus.....	1·0	0·1	n.a.	2·0	0·2	n.a.	n.a.
Tulip fire (Primary only).....	0·5	0·1	0·2	1·0	0·2	1·0	2·0
Storage rot.....	n.a.	n.a.	1·0	n.a.	n.a.	2·0	4·0
Other diseases.....	0·5	0·1	0·2	1·0	0·1	1·0	1·0
Mechanical and other injury.....	n.a.	n.a.	1·0	n.a.	n.a.	2·0	4·0
Rogues.....	2·0	0·1	n.a.	2·0	0·1	n.a.	n.a.
Total defects.....	2·0	0·4	1·5	3·0	0·6	3·0	5·0
Variation from standard size.....	n.a.	n.a.	5·0	n.a.	n.a.	5·0	5·0

**(c) Iris**

The maximum tolerances in percentages for iris diseases, etc., are as follows:—

Diseases, etc.	Foundation		Certified			Commercial	
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus (Mottled foliage).....	0·0	0·0	n.a.	5·0	2·0	n.a.	n.a.
Virus (flower symptoms).....	n.a.	0·0	n.a.	n.a.	1·0	n.a.	n.a.
Bulb eelworm.....	n.a.	n.a.	0·0	n.a.	n.a.	0·0	1·0
Penicillium storage rot.....	n.a.	n.a.	1·0	n.a.	n.a.	2·0	4·0
Other diseases.....	1·0	0·2	0·5	2·0	1·0	1·0	1·0
Mechanical injury.....	n.a.	n.a.	1·0	n.a.	n.a.	2·0	2·0
Rogues.....	1·0	0·1	n.a.	1·0	0·1	n.a.	n.a.
Total defects.....	2·0	0·3	1·5	5·0	2·0	3·0	6·0
Variation from standard size.....	n.a.	n.a.	5·0	n.a.	n.a.	5·0	5·0



**Destructive Insect and Pest Act—continued**

(d) Hyacinth

The maximum tolerances in percentages for hyacinth diseases, etc., are as follows:—

Diseases, etc.	Foundation		Certified			Commercial	
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus.....	0.5	0.1	n.a.	0.5	0.1	n.a.	n.a.
Bulb eelworm.....	0.0	0.0	0.0	0.0	0.0	0.0	0.5
Yellows (bacterial).....	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Slime moulds.....	n.a.	n.a.	0.1	n.a.	n.a.	0.5	1.0
Mites.....	n.a.	n.a.	0.1	n.a.	n.a.	0.5	1.0
Other diseases.....	1.0	0.5	0.1	1.0	1.0	1.0	2.0
Rogues.....	2.0	0.1	n.a.	2.0	0.1	n.a.	n.a.
Total defects.....	2.0	1.0	0.5	2.0	1.0	0.5	3.0
Variation from standard size.....	n.a.	n.a.	5.0	n.a.	n.a.	5.0	5.0

SCHEDULE II

(a) Narcissus

The size standards of narcissus bulbs are the minimum weight in pounds per hundred bulbs of uniform size, as follows:—

—	DN 1	DN 2	DN 3	Rounds 1	Rounds 2
	lb.	lb.	lb.	lb.	lb.
Trumpet.....	28	20	15	15	12
with the following exceptions:					
Golden Harvest.....	25	18	14		
Magnificence.....	22	17	13		
Incomparabilis type.....	28	20	15		
with the following exceptions:					
Carlton.....	25	18	14		
Clamor.....	25	18	14		
Fortune.....	25	18	14		
Scarlet Elegance.....	22	17	13		
Barrii type.....	19	14	10		
Tazetta type.....	20	16	12		
with the following exception:					
Geranium.....	22	17	13		
Poeticus.....	14	10	8		
with the following exception:					
Actaea.....	19	14	10		
Double types.....	19	14	10		
with the following exception:					
Cheerfulness.....	20	16	12		

Foundation and Certified tags shall not be issued for any narcissus bulbs below the No. 2 size. Size standards shall be clearly marked on the outside of each container by the grower or shipper.

(b) Tulip, Iris and Hyacinth

No size standards shall apply to tulip, iris and hyacinth bulbs, but the circumference in centimeters shall be clearly marked on the outside of each container by the grower or the shipper.

**Destructive Insect and Pest Act—continued****PART VIII—HEALTH APPROVED SEED**

801. In this Part,

- (a) "Health Approved Seed" means seed that has been inspected, tagged and sealed in a container pursuant to this Part; and
- (b) "seed" means any of the seeds for which disease tolerances are set out in the Schedule to this Part as Health Approved Seed.

802. (1) Any person desiring to sell any seed as Health Approved Seed may make application for crop and seed inspection to the District Supervisor of the Plant Products Division in whose district the crop is grown.

(2) Applications shall be made in such form and within such time limits as may be required by the Chief, Agricultural Inspection Services, Plant Products Division.

803. (1) No crop inspection under this Part shall be made unless the crop is grown

- (a) in an area suitable for the production of Health Approved Seed, as approved by the Chief, Botany and Plant Pathology Division: and
- (b) under conditions of crop rotation and isolation approved by an inspector.

(2) No seed is eligible for "Health Approved Seed" unless, in the opinion of an inspector,

- (a) the crop was planted, cultivated, rogued and harvested and the seed was stored, processed, treated and packaged so as to protect the seed against contamination and to permit proper inspection; and
- (b) the seed meets the disease tolerances prescribed in the Schedule to this Part.

804. Where crop and seed inspections have been made under this Part and the District Supervisor of the Plant Products Division is satisfied that the seed meets the tolerances prescribed in the Schedule and that all the provisions of this Part have been complied with, he may issue to the applicant a Crop Certificate for Health Approval.

805. Where a Crop Certificate for Health Approval has been issued with respect to any seed, an inspector may tag and seal the containers of the seed in such form and manner as may be prescribed by the Chief, Agricultural Inspection Services, Plant Products Division.

806. (1) No person shall sell or offer for sale or represent any seed as "Health Approved Seed" unless the seed was inspected, tagged and sealed in accordance with this Part.

(2) Except as authorized by these regulations, no person shall apply to any seed any name, mark, designation or words that suggest or indicate that the seed is "Health Approved Seed".

**Destructive Insect and Pest Act—concluded**

**Schedule**

**DISEASE TOLERANCES**

Table 1. Applicable to beans of the genus *Phaseolus*.

Disease	Allowance of	
	Infected Plants	Infected Seeds
	%	%
Common Blight— <i>Xanthomonas phaseoli</i> .....	0	0
Fuscans Blight— <i>X. phaseoli</i> var. <i>fuscans</i> (Burkh.) Starr and Burkholder.	0	0
Halo Blight— <i>Pseudomonas medicaginis</i> var. <i>phaseolicola</i> .....	0	0
Bacterial Wilt— <i>Corynebacterium flaccumfaciens</i> .....	0	0
Anthracnose— <i>Colletotrichum lindemuthianum</i> .....	0	0
Mosaic.....	2	2

Table 2. Applicable to peas of the genus *Pisum*.

Disease	Allowance of	
	Infected Plants	Infected Seeds
	%	%
Bacterial Blight— <i>Pseudomonas pisi</i> .....	0	0
Leaf and Pod Spot— <i>Ascochyta pisi</i> .....	0	0
Stem, leaf and pod blight— <i>Ascochyta pinodas</i> .....	0	0
Foot Rot— <i>Ascochyta pinoldella</i> .....	0	0
Mosaic.....	2	2

**PART IX—DESTRUCTIVE INSECT AND PEST ADVISORY BOARD**

901. The Destructive Insect and Pest Advisory Board shall consist of at least five members, constituted by the Minister of Agriculture from officials of the Department; two of the members shall be designated chairman and secretary, respectively, of the Board.

902. The Board shall consider and recommend such amendments to the Act and regulations thereunder as it may deem necessary in the public interest, and advise the Chief, Plant Protection Division, as required, in the formulation of policies with respect to the administration thereof.

903. The services of such other officers of the Department as may be required from time to time shall be made available to the Board, and the Board may, when it is deemed necessary and desirable, obtain the advice and assistance of any other person.



**DIPLOMATIC SERVICE (SPECIAL) SUPERANNUATION ACT.**  
(R.S.C., 1952, c. 82)

**Diplomatic Service (Special) Superannuation Regulations**

P.C. 1954-1841

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Diplomatic Service (Special) Superannuation Act, is pleased to order as follows:

1. The Diplomatic Service (Special) Superannuation Regulations, established by Order in Council P.C. 5167 of 16th December 1947, are hereby revoked; and

2. The annexed "Diplomatic Service (Special) Superannuation Regulations" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS MADE PURSUANT TO THE DIPLOMATIC SERVICE  
(SPECIAL) SUPERANNUATION ACT

1. These regulations may be cited as the *Diplomatic Service (Special) Superannuation Regulations*.

2. In these regulations,

(a) "Act" means the *Diplomatic Service (Special) Superannuation Act*; and

(b) "contributor" means a Public Official who is required to make contributions to the Consolidated Revenue Fund pursuant to the Act.

3. Where a contributor has, pursuant to section 6 of the Act, elected to contribute by instalments in respect of any period of prior service,

(a) the instalments shall be payable in equal amounts and shall be computed in accordance with Canadian Life Table No. 2 (1941), Males or Females, as the case may be, with interest at the rate of four per cent per annum, and

(b) he may from time to time amend his payment plan to provide for payment of the instalments still to be paid in a lump sum or by larger monthly instalments on a basis similar to that described in paragraph (a), calculated as of the date of the amendment.

4. For the purpose of computing interest pursuant to subsection (3) of section 6 of the Act, the total salary received by a contributor during a fiscal year shall be deemed to have been received by him on a day that is midway between the first and last days of that fiscal year.

5. Every election made by a contributor under the Act or these regulations shall be made by him in such form as the Minister of Finance prescribes.

**Diplomatic Service (Special) Superannuation Act—concluded**

6. A recommendation for the payment of a pension to a contributor, where the contributor has not made an election under section 8 of the Act or where the wife of the contributor is deceased, shall be accompanied by

- (a) the birth certificate of the contributor, and
- (b) if the contributor retired by reason of permanent infirmity, a certificate of a qualified medical practitioner in such form as the Minister of Finance prescribes.

7. A recommendation for the payment of a pension to a contributor and to his wife shall be accompanied by the documents mentioned in section 6 together with the marriage certificate of the contributor.

8. A recommendation for the payment of a pension to the widow of a contributor shall be accompanied by

- (a) the marriage certificate of the contributor, and
- (b) proof of death of the contributor.

9. The Act shall be administered by the Superannuation Branch of the Department of Finance.

10. Recommendations for granting pensions under the Act shall be made by the Secretary of State for External Affairs.

**DISABLED PERSONS ACT. (1953-54, c. 55)**

**Disabled Persons Regulations**

P.C. 1954-1831

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to section 11 of the Disabled Persons Act, is pleased to make the annexed "Disabled Persons Regulations" and they are hereby made and established, effective January 1, 1955, accordingly.

**THE DISABLED PERSONS REGULATIONS**

*Short Title*

1. These regulations may be cited as the *Disabled Persons Regulations*.

*Interpretation*

2. (1) In these regulations,
  - (a) "Act" means the *Disabled Persons Act*;
  - (b) "Director" means the Director of Disabled Persons Allowances of the Department of National Health and Welfare; and

**Disabled Persons Act—continued**

- (c) "personal property" includes the immediate realizable value of the amount remaining to be paid to a recipient or his spouse under a mortgage or agreement for sale, the proceeds of insurance received by a recipient or his spouse and the cash surrender value of life insurance available to a recipient or his spouse.
- (2) For the purpose of the Act and these regulations, a person shall be deemed to be totally and permanently disabled only when
- (a) the person is suffering from a major physiological, anatomical or psychological impairment, verified by objective medical findings;
  - (b) the impairment is likely to continue without substantial improvement during the lifetime of the person and is one to which the concept of cure cannot be applied; and
  - (c) as a result of such impairment, the person is severely limited in activities pertaining to self-care and normal living, such as being
    - (i) bedridden or chairfast,
    - (ii) unable to leave home without being accompanied by another person,
    - (iii) normally in need of care and supervision for one or more of such self-care activities as dressing, body hygiene or eating,
    - (iv) unable to perform such routine activities as climbing a short stairway or walking a limited distance on a level surface, or
    - (v) certified by a qualified physician to be under medical instructions to forbear from activities of the kind mentioned in subparagraph (iv).
- (3) Notwithstanding subsection (2), a person shall be deemed not to be totally and permanently disabled where, in respect of that person, a favourable rehabilitation prognosis is obtained, or approved therapeutic measures are recommended, by the provincial authority, and the requisite rehabilitation services or therapeutic measures are available.

*Notices*

3. (1) Any notice or other document required or authorized to be sent or delivered for the purposes of these regulations shall be in writing.
- (2) Any notice or other document required or authorized to be sent or delivered to any person by the provincial authority for the purposes of these regulations shall be deemed to be duly sent or delivered at the time when the notice or document is posted to that person at his ordinary address.

*Applications*

4. (1) An application for an allowance may be made by any person who alleges that he has attained the age of seventeen years and six months and that he is a totally and permanently disabled person.
- (2) An application shall be deemed to have been made only when an application form completed by an applicant, or where the provincial authority is satisfied that the applicant is unable to complete the application form because of his disability, by some responsible person on behalf of the applicant, is actually received in the office of the provincial authority for the province in which the applicant resides.



**Disabled Persons Act—continued**

(3) The provincial authority may prescribe the form or contents of an application, but every application shall state

- (a) the full name of the applicant including, in the case of a married woman, her full maiden name, and, in the case of an applicant who has changed his name, the name before such change was made;
- (b) the present address of the applicant, his place and date of birth and place or places of residence during the ten years preceding the date of the application and, if he is married, the name and the place and date of birth of his spouse;
- (c) the sex and particulars of the marital status of the applicant and, in the case of a married person, whether he is living with his spouse and whether such spouse is sighted or blind;
- (d) the time at which the applicant first considered himself to be totally and permanently disabled and the nature of his disability, if known;
- (e) the present occupation, if any, of the applicant and his spouse, and the occupation followed by the applicant prior to his becoming disabled;
- (f) the income and means of subsistence of the applicant and his spouse;
- (g) particulars of any real or personal property apart from household furnishings and personal effects owned by the applicant or his spouse at the date of application; and
- (h) particulars of any real or personal property which the applicant or his spouse transferred to any person or persons within the five years preceding the date of application.

(4) Every application shall be supported by a statutory declaration of the applicant or the person making the application on behalf of the applicant to the effect that all the statements in the application are true to the best of his knowledge and belief and that no information required to be given has been concealed or omitted.

(5) Every provincial authority shall supply, without charge, a form of application and medical report form referred to in section 7 to any person who desires to make an application and, if so requested, shall give all information and assistance possible in completing the application.

(6) All applications and accompanying documents received by any person other than the provincial authority shall be forwarded to the provincial authority.

(7) Where, prior to the coming into force of the Act, a province had enacted legislation providing for the payment of allowances to persons on account of total and permanent disability, the provincial authority, with the consent of the Minister, may, in lieu of requiring persons to whom an allowance under such legislation is being paid to complete the application as required by this section, consider the application made under the provincial legislation, together with any other evidence that it may have relevant to the eligibility of such person for the allowance, as an application therefor, and the provincial authority shall, with respect to such persons, not be required to cause the investigation to be made as provided in subsections (1) and (2) of section 5; nothing in this subsection shall be deemed to authorize the provincial authority to grant an allowance to any person who is not eligible therefor under the Act and these regulations.

**Disabled Persons Act—continued***Investigation*

5. (1) The provincial authority shall, in respect of each application, cause an investigation to be made into the facts and circumstances as therein set out, and such investigation shall include a report respecting the physical activities that the applicant is able to perform without assistance and such other matters as may be necessary to determine the eligibility of the applicant for an allowance.

(2) The investigation required by subsection (1) shall be made not sooner than four months before the date of the proposed commencement of the allowance, but where the person making the application is resident in a part of Canada that is accessible only at a certain time or times of the year the period of four months may be extended by the provincial authority to not more than six months; provided that during the first twelve months that an agreement under section 3 of the Act is in force in a province, the said period of four months may be extended to six months where, in the opinion of the provincial authority thereof, it is necessary to do so.

(3) Where an application has been approved and the allowance is being paid or is suspended for the purpose of recovering an overpayment, the provincial authority shall, at least once in each year, cause an investigation to be made into the circumstances of the recipient to determine whether such recipient continues to be eligible, or whether he has again become eligible, and the amount of allowance to which he may be entitled, and where such annual investigation is made more than three months prior to the transfer of the recipient to old age security, the provincial authority shall make a terminal investigation at the time of such transfer; the report of the investigator shall include a description of the physical activities that such recipient is able to perform without assistance.

(4) Before altering the rate of allowance being paid to a recipient or before suspending an allowance or reinstating an allowance which has been suspended, the provincial authority shall cause an investigation to be made into the circumstances of the recipient; but the provincial authority, in any individual case, may, in lieu of such investigation, make such inquiry and obtain such information as it deems adequate.

5. The report of any investigation or inquiry made shall be filed with the application and shall be available at any time for inspection by officials of the Government of Canada.

(6) An investigation required by this section shall be made by an investigator in the employ of the provincial authority or the provincial government or by a duly authorized representative of any other agency if such representative is recommended by the provincial authority and approved by the Minister, and such investigator or representative, as the case may be, shall, in the course of such investigation, personally interview the recipient.

*Grant of Allowance*

6. (1) Where the provincial authority is satisfied on the basis of the information contained in the application and from the investigation required by these regulations, together with any other relevant information it may have obtained, that the applicant is eligible under the Act and these regulations to receive an allowance, it shall determine the rate of allowance payable and shall thereupon approve the application accordingly.

**Disabled Persons Act—continued**

(2) No person other than the provincial authority shall approve or reject any application or alter the rate of allowance.

*Disability*

7. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards his total and permanent disability, the applicant shall furnish or cause to be furnished, in such form as may be required by the provincial authority, a medical report signed and dated by a qualified physician, which shall state

- (a) the nature, extent and prognosis of the disability,
- (b) the findings upon which the diagnosis and prognosis were made,
- (c) the limitations in function imposed by the disability,
- (d) any other pertinent information concerning the disability including any recommendations for further diagnostic work or treatment as may be relevant, and
- (e) any additional information required by the provincial authority.

(2) The provincial authority shall consider the medical report required by subsection (1) and, before determining that the applicant is totally and permanently disabled, shall cause such medical investigation to be made as it may deem necessary in the circumstances.

(3) The provincial authority shall, at least once in each year, cause such further medical review or investigation to be made as the nature of the recipient's disability may require.

*Age*

8. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards age, the applicant shall forward to the provincial authority a certificate of birth or baptism or, if neither certificate is obtainable, shall forward any other documentary evidence that he may have or be able to obtain from which his age may be determined.

(2) If the provincial authority is satisfied that the applicant is unable to furnish or obtain satisfactory evidence as to his age as provided in subsection (1) and the provincial authority itself is unable to obtain such evidence, it shall endeavour to obtain information from other sources and, in the case of an applicant who alleges he was born in Canada, it shall, if records for the period in question are available in the province where he alleges he was born, request the registrar of vital statistics in that province to make a search for information as to his age.

(3) If the provincial authority is unable to obtain information as provided in subsections (1) and (2), it may request the Dominion Bureau of Statistics to make a search of the census records for information as to the age of the applicant, subject to the following conditions:

- (a) any request for census information as to age shall be made in the form of an application prescribed by the Dominion Statistician which shall bear or be accompanied by the signed consent of the person concerning whom the information is sought, and shall provide such specific information as may be required for the purpose of making a search in the census records; and



**Disabled Persons Act—continued**

- (b) any information supplied by the Dominion Bureau of Statistics shall be confidential and shall not be used for any purpose other than that of establishing the age of the applicant as required under the Act, the *Old Age Assistance Act*, the *Blind Persons Act*, or the *Old Age Security Act*, as the case may be.

(4) If, after thorough search and inquiry, the provincial authority is unable to obtain from the applicant, or elsewhere, satisfactory and sufficient documentary evidence as to his age it may, with the consent of the Director, submit the question of the age of the applicant, together with any documentary or other evidence that it may have obtained relevant thereto, to a tribunal provided for by this section for a decision as to whether or not the applicant has attained the age of eighteen years.

(5) The tribunal shall consist of a member designated by the provincial authority, a member designated by the Director and a third member, who shall be a disinterested person and who shall act as chairman, chosen by the other two members.

(6) The tribunal shall in all cases see and interview the applicant and, in deciding upon whether the applicant has attained the age of eighteen years, shall be entitled to take into account any fact, circumstance or evidence, documentary or other, including physical characteristics of the applicant, relevant to the determination of the issue.

(7) The decision of the tribunal shall be the decision of the majority thereof and, subject to rebutting evidence being obtained at any time, any decision reached in accordance with the procedure provided in subsections (4) to (6) shall be final and conclusive of whether or not the applicant has attained the age of eighteen years.

(8) Except as provided in subsection (7), the provincial authority shall not be bound to accept any evidence respecting the age of a recipient as final and conclusive, and any evidence submitted to or obtained by the provincial authority as proof of age may be rebutted at any time.

*Marital Status*

9. For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards marital status, the provincial authority may accept a certificate of marriage, or, if no such certificate is procurable, such other evidence corroborative of the statement of the applicant or his spouse as it deems satisfactory.

*Residence*

10. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards residence in Canada or in a province, the provincial authority may take into account, together with any other evidence that it may be able to obtain, a statutory declaration made by any reliable and disinterested person covering such facts as to which such person has personal knowledge.

(2) For the purposes of the Act and these regulations, residence and presence in Newfoundland prior to the date of union of Newfoundland with Canada, shall respectively be deemed to be residence and presence in Canada.

11. (1) Intervals of absence of an applicant from Canada during the ten years immediately preceding the date of the proposed commencement

**Disabled Persons Act—continued**

of allowance which are of a temporary nature and which, when totalled and averaged, do not exceed sixty days a year, shall be deemed not to have interrupted the residence in Canada of such applicant during such period, and the provisions of this subsection shall not apply in respect of cases coming within the provisions of subsections (2) to (6) both inclusive.

(2) If an applicant, while a resident of Canada, has temporarily absented himself therefrom for the purpose of engaging in

- (a) employment on a ship or on a fishing boat,
- (b) employment on trains running out of Canada operated by any railway company having its head office in Canada,
- (c) seasonal employment, such as lumbering or harvesting, for not more than six months in any one year,
- (d) employment by or as a representative of a Canadian firm or corporation, or while he was himself a member of such a firm or corporation,
- (e) employment by the United Nations or one of its specialized agencies, or
- (f) missionary work with any religious group or organization,

and, at the termination of such employment, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence if, during the period thereof, he had in Canada a permanent place of abode to which, whenever he was absent therefrom, he had the intention of returning, or he maintained in Canada, a self-contained domestic establishment.

(3) If an applicant, while a resident of Canada, has temporarily absented himself therefrom

- (a) while he was employed and paid by the Government of Canada or any province,
- (b) during the first or second world war while he was a member of the forces of any country allied with Canada or was engaged in work in connection with the prosecution of any such war for Canada or its allies, or
- (c) pursuant to or in connection with the requirements of his duties as a member of the armed forces of Canada,

and, at the termination of his duties abroad, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence.

(4) An applicant who is a married woman or a widow and, while a resident of Canada, was absent from Canada with her husband while he was absent from Canada in any of the circumstances provided for by subsection (2) or (3), shall, during the period of such absence with him, be deemed to have continued to reside or to have been present in Canada during such absence.

(5) An applicant who, while a resident of Canada and while under the age of twenty-one years, was absent from Canada with his father or mother who was absent therefrom under any of the circumstances provided for in subsection (2) or (3) shall, during the period of such absence with his father or mother, be deemed to have continued to reside or to have been present in Canada.

(6) Where an applicant was temporarily absent from Canada and was unable to return to Canada due to the dislocation of transportation facilities during or immediately following the second world war, such applicant shall be deemed to have continued to reside or to have been

**Disabled Persons Act—continued**

present in Canada for the period of absence between the date such applicant, his spouse or his parent, as the case may be, made application to the proper authority for transportation to Canada and the date of the actual return of the applicant thereto.

*Income*

12. (1) For the purpose of the Act and these regulations, "income" includes the net amount or value of all income, gratuities and contributions received, whether in cash or in kind, and without restricting the generality of the foregoing,

- (a) any allowance paid under the Act;
- (b) any assistance paid to a spouse under the *Old Age Assistance Act*;
- (c) any allowance paid to a spouse under the *Blind Persons Act*;
- (d) any pension paid to a spouse under the *Old Age Security Act*;
- (e) income from any interest in real or personal property as determined under section 13; and
- (f) the value of board and lodging, or board or lodging furnished free of charge, or for which a nominal charge is made, as determined under section 14.

(2) Notwithstanding subsection (1), an agreement with a province under section 3 of the Act may, at the request of such province, provide that all or any of the following, namely,

- (a) mothers' allowances paid pursuant to provincial legislation;
- (b) family allowances paid pursuant to the *Family Allowance Act*;
- (c) cost of living allowances or supplemental allowances paid by any province to any person in receipt of an allowance under the Act or assistance under the *Old Age Assistance Act* or an allowance under the *Blind Persons Act* or a pension under the *Old Age Security Act*;
- (d) pay allotted or assigned by a member of the Canadian Forces serving on active service, where no dependents allowance has been awarded in respect of the recipient or the spouse of such recipient;
- (e) direct relief in an amount considered reasonable by the provincial authority if paid out of moneys provided only by the municipality or the province in which the recipient resides, or by both, or by a charitable organization incorporated or registered under a law of a province or of a Parliament of Canada;
- (f) casual gifts of small value;
- (g) contributions other than for ordinary maintenance to recipients or to the spouses of recipients who require special care;
- (h) any amount considered reasonable by the provincial authority received by a spouse who is blind within the meaning of the *Blind Persons Act* for the purpose of obtaining the services of a guide; and
- (i) the income value determined as provided in section 13 from an amount up to five hundred dollars of the amount of the cash surrender value of life insurance that is available to a recipient or his spouse,

shall not be included in the calculation of income under subsection (1), and income in such province shall be calculated accordingly.

13. For the purpose of determining the amount that shall be deemed income from any interest in real or personal property of a recipient, or,



**Disabled Persons Act—continued**

in the case of a married recipient living with his spouse, of the recipient and his spouse, whether owned or deemed to be owned by the recipient or his spouse at the date of the proposed commencement of the allowance, or acquired subsequent thereto, the provincial authority shall

(a) as regards real property

- (i) that is used as a residence by the recipient and from which no revenue is derived, consider as income an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value thereof; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;
- (ii) that is used as a residence by the recipient and from which the recipient derives a revenue from any use or occupation thereof, consider as income the net revenue so derived (provided that where such revenue is derived from the rental of rooms, not less than fifty per cent thereof shall be deemed to be net revenue) together with an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value of the portion thereof occupied by the recipient; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;
- (iii) that is revenue bearing and is not used as a residence by the recipient, consider as income the net revenue therefrom after deducting reasonable and necessary expenses of maintenance other than any payment of principal on any mortgage or agreement for sale thereon;
- (iv) that is not revenue bearing or from which a nominal revenue is derived and is not used as a residence by the recipient, consider as income the net revenue that, in the opinion of the provincial authority, such property should or might reasonably be expected to yield;

(b) as regards personal property

- (i) of an unmarried recipient or a married recipient not living with his spouse, consider as annual income during the lifetime of the recipient the amount of an Immediate Canadian Government Annuity, Ordinary Life Plan, payable monthly, purchasable with the proceeds of the personal property owned by such recipient and calculated as of the actual age of such recipient;

**Disabled Persons Act—continued**

- (ii) of a married recipient living with his spouse, subject to subparagraph (iii), consider as annual income during the lifetime of and in respect of each spouse the amount of annuity purchasable with one-half the proceeds of the personal property jointly and severally owned by the recipient and his spouse and calculated as of the actual age of each;
- (iii) of a married recipient living with his spouse who is or becomes a recipient of assistance under the *Old Age Assistance Act*, consider as income during the period that the spouse is in receipt of assistance thereunder an amount calculated as provided in paragraph (b) of section 11 of the regulations under that Act and thereafter an amount calculated as provided in subparagraph (i) or (ii) of this paragraph as the case may be on the value of the personal property owned at such time.

14. (1) Where board and lodging or board or lodging is provided free to a recipient or for a nominal amount, the provincial authority shall consider as income of the recipient, and in the case of a recipient who is married and living with his spouse, of the recipient and his spouse, an amount that, in its opinion, is a fair and reasonable charge therefor, but which shall, in no case, be less than the amounts respectively hereinafter set forth—

	Unmarried recipient	Married recipient
Lodging .....	\$10.00 monthly	\$15.00 monthly
Board .....	20.00 monthly	30.00 monthly
Board and lodging .....	30.00 monthly	45.00 monthly

(2) Where board and lodging or board or lodging is provided to the recipient for a nominal amount, the provincial authority, in fixing an amount as provided in subsection (1), may deduct therefrom such nominal amount if satisfied that the recipient is actually paying the same.

*Transfer of Property*

15. (1) Where a recipient or his spouse has, within the five years preceding the date of application or subsequent to such date, made an assignment or transfer of real or personal property, such recipient shall furnish to the provincial authority full particulars concerning such assignment or transfer.

(2) The provincial authority, from the particulars so furnished, shall determine whether or not the consideration for such assignment or transfer was inadequate or whether such assignment or transfer was made by such recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law.

(3) Where, from the particulars so furnished or in the absence of satisfactory particulars being furnished, the provincial authority is of the opinion that the consideration for an assignment or transfer of property was inadequate or that such assignment or transfer was made by a recipient or his spouse for the purpose of qualifying the recipient for an allowance or for a larger amount of allowance than he otherwise would be entitled to

**Disabled Persons Act—continued**

receive or to prevent recovery of any claim under provincial law, the provincial authority shall consider as income from such property an amount calculated as provided in section 13 in the case of property owned by a recipient or his spouse at the date of the proposed commencement of allowance.

16. (1) Where the recipient or his spouse reconverts into real property, personal property derived from the sale of real property held at the time the allowance was granted, the provincial authority may, in lieu of calculating as income of such recipient as provided in paragraph (b) of section 13, the value of the personal property so reconverted, consider as income an amount respecting the newly acquired real property calculated as provided in paragraph (a) thereof.

(2) Where an exchange of property under subsection (1) is not wholly for cash, the face value of any mortgage receivable or agreement for sale and the income therefrom may be offset by the face value of any mortgage payable or agreement for sale and the interest payable thereon, but the provincial authority shall take into account any excess value or income receivable by the recipient.

*Provincial Scheme for Administration*

17. The provincial scheme for the administration of allowances under the Act shall specify the officer or body appointed to act as the provincial authority, the persons responsible for and the manner of making the investigations required by these regulations, the procedure and the facilities for determining whether an applicant is totally and permanently disabled, and the manner in which an application will be made to the provincial authority.

*When Allowance Shall Commence*

18. (1) Subject to subsection (2), an allowance shall be payable in arrears from the first day of the month following the month in which the recipient attains the age of eighteen years or from the first day of the month following the month in which his application is approved, whichever is the later.

(2) Where an application is approved after the last day of the month in which it was received by the provincial authority, and delay in such approval resulted from circumstances wholly beyond the control of the recipient, the provincial authority may, in its discretion, declare that such approval shall be effective as of an earlier date which shall be a date after the recipient attains the age of eighteen years and which shall in no case be earlier than the date of the receipt of the application by the provincial authority or a date not more than four months prior to that on which approval is given, whichever is the later; provided, however, that in any case where delay in such approval is attributable to the fact that the recipient is resident in a part of Canada that is accessible only at a certain time or times of the year, or to delay in the receipt by the provincial authority of the reports of medical investigations referred to in section 7, the period of four months herein mentioned may be extended to not more than six months.

(3) No allowance which has been suspended for a period in excess of six months shall be reinstated unless the provincial authority has satisfactory evidence that the recipient continues to be totally and permanently disabled.



**Disabled Persons Act—continued**

(4) Where an allowance is suspended at the request of a recipient the same shall not be reinstated prior to the date on which the provincial authority is requested in writing by such recipient or by some person acting on behalf of such recipient to do so.

(5) Except in the case of a recipient residing in the Northwest Territories, no recipient shall be paid an allowance for any period exceeding one month during which such recipient receives direct relief out of moneys paid in whole or in part by the Government of Canada.

*Manner Payable*

19. An allowance shall be paid by cheque or other instrument in a form approved by the province.

*Payment to Trustees*

20. (1) Where the provincial authority is of the opinion that a recipient is unable to look after his own affairs, or is using or is likely to use his allowance otherwise than for his own benefit, the provincial authority may pay the allowance to a trustee appointed by it to be expended for the benefit of the recipient.

(2) Any trustee appointed under subsection (1) may be removed by the provincial authority or may resign and the provincial authority may appoint another trustee in his place.

(3) Any trustee appointed under subsection (1) or (2) shall, when required by the provincial authority, make returns showing the amount of the allowance received, the amount that has been expended for the benefit of the recipient and the balance remaining in the hands of the trustee.

(4) Subject to subsection (1), where the trustee appointed under subsection (1) or (2) is an officer or employee of an institution in which a recipient is being maintained, the provincial authority may authorize the trustee to pay to such institution such proportion of the allowance as is considered by the provincial authority to be a reasonable sum for the maintenance of the recipient, but shall require the trustee to make available to the recipient an amount which it considers reasonable for his personal use.

*Hospitals and Institutions*

21. Subject to section 22, the allowance shall not be paid during the period that a recipient is a patient or a resident in a hospital, nursing home or private, charitable or public institution.

22. (1) A recipient, to whom an allowance has been granted, who is temporarily a patient in a hospital that is recognized and licensed by the province as a public or a private hospital may be paid the allowance for a period or periods not exceeding a total of sixty-two days of treatment in such hospital in any calendar year and where such recipient is a patient in a hospital for the purpose of rehabilitation or therapeutic treatment for his disability that is approved by the provincial authority, the allowance may be paid for the period of such rehabilitation or treatment.

(2) A recipient who is a patient or a resident in a nursing home or a private, charitable or public institution, may be paid the allowance if he is paying or there is being paid on his behalf by a member or members of his family, the whole or the greater part of the cost of his accommodation therein.

**Disabled Persons Act—continued**

*Suspension of Allowance*

23. (1) The payment of an allowance shall be suspended
  - (a) during the absence of a recipient from Canada, but the provincial authority may, if satisfied that the circumstances so justify, pay the allowance for any period of absence not exceeding a total of ninety-two days in the twelve month period preceeding the return of the recipient to Canada,
  - (b) While a recipient is serving any sentence of imprisonment that exceeds thirty days, provided, that where the sentence of imprisonment exceeds thirty days, the provincial authority may, on the release of the recipient, reinstate the allowance from a date not more than one month prior to the date of release, and
  - (c) during the period that a recipient neglects or refuses to comply with the provisions of the Act and these regulations or to furnish any information that he is required to furnish pursuant thereto.

(2) A provincial authority shall recover from a recipient any sum improperly paid by way of allowance whether such sum was paid as the result of non-disclosure of facts, misrepresentation or any other cause, and, if the provincial authority is unable to recover the whole of such sum, the provincial authority shall suspend the payment of the allowance of such recipient until the aggregate amount of the suspended payments equals the sum improperly paid less any amount that has been recovered prior to such suspension; provided that where the recipient has not been guilty of fraud or misrepresentation the provincial authority, in its discretion, may reduce the allowance by an amount of not less than five dollars each month, so that recovery of such overpayment will be made in full within a period of not more than five years or prior to the recipient reaching the age of seventy years, whichever is the sooner.

*Increase or Reduction of Allowance*

24. The provincial authority shall require a recipient to report forthwith any increase or reduction in his income or real property or the income or real property of his spouse and to furnish particulars of any personal property acquired by him or his spouse after the date of his application.

25. Any recipient who desires to apply for an increase in the amount of the allowance to which he may be entitled under the Act, shall notify the provincial authority and shall furnish all necessary information.

*Accounting*

26. Any sums due by Canada to a province in settlement of Canada's share of the net amount expended by the province in payment of allowances shall be ascertained as of the last day of each month, shall be audited by the provincial auditor and shall be paid on the certificate of the provincial auditor as soon thereafter as possible, subject to final audit by officials of the Government of Canada; the accounts submitted by the provincial authority for the purpose of reimbursement shall contain such information as the Minister may require.

27. In calculating the amount due by Canada to a province in respect of allowances paid by the province no account shall be taken of any sums that, under the provisions of the Act, the province is liable to reimburse

**Disabled Persons Act—concluded**

another province or to be reimbursed by another province in respect of allowances granted therein or in such other province, nor shall any account be taken of the cost of administering or paying allowances.

28. In calculating the amount in respect of which any province is entitled to be reimbursed by another province under the provisions of the Act, regard shall be had only to the net amount of allowances paid by the province to be reimbursed after deducting therefrom the amount payable by Canada on account of such allowances.

29. Balances due by one province to another province under the provisions of the Act shall be settled monthly as of the same date as the sums due by Canada are payable.

30. The amount recovered by a provincial authority from a recipient of from the estate of a deceased recipient in respect of any allowance shall be distributed between the province responsible for payment of the provincial share of the allowance and Canada in accordance with the amount of any such allowance respectively paid by each.

**DOMINION COAL BOARD ACT. (R.S.C., 1952, c. 86)**

The following regulations established pursuant to the Dominion Coal Board Act were in effect on January 1, 1955:—

- (1) Nova Scotia Coal Subvention Regulations—Order in Council P.C. 1954-685 of 6th May, 1954 as amended by Order in Council P.C. 1954-1635 of 28th October, 1954;
- (2) New Brunswick Coal Subvention Regulations—Order in Council P.C. 1954-686 of 6th May, 1954;
- (3) Saskatchewan Coal Subvention Regulations—Order in Council P.C. 1954-687 of 6th May, 1954;
- (4) Alberta and British Columbia Crowsnest Pass Coal Subvention Regulations—Order in Council P.C. 1954-688 of 6th May, 1954;
- (5) Alberta and British Columbia Coal Subsidy Regulations—Order in Council P.C. 1954-1318 of 8th September, 1954;

As the above regulations are effective to April 1, 1955 only, they have not been included in this Consolidation. Copies may be obtained on application to the Chairman, Dominion Coal Board, Ottawa.

**DOMINION SUCCESSION DUTY ACT. (R.S.C., 1952, c. 89)****Dominion Succession Duty Regulations**

Pursuant to the powers conferred by section 59 of the Dominion Succession Duty Act, I hereby revoke all regulations heretofore made under that Act and, in substitution therefor, make and establish the following regulations.

JAMES J. McCANN,  
Minister of National Revenue.

Ottawa, December 28, 1954.



**Dominion Succession Duty Act—continued**

DOMINION SUCCESSION DUTY REGULATIONS

*Short Title*

1. These regulations may be cited as the *Dominion Succession Duty Regulations*.

*Interpretation*

2. In these regulations,

- (a) "Act" means the Dominion Succession Duty Act;
- (b) "Deputy Minister" means the Deputy Minister of National Revenue for Taxation; and
- (c) "Minister" means the Minister of National Revenue.

*Administration*

3. (1) The Deputy Minister is authorized to exercise the powers conferred by the Act upon the Minister as fully and effectively as if the said powers were exercised by the Minister.

(2) The forms contained in Schedule A hereto are the forms prescribed for the purposes of the Act.

*Statement of value and relationship*

4. (1) Subject to the provisions of section 16 of the Act, the executor and every heir, legatee, substitute, institute or other successor shall, within six months after the death of the deceased, without any notice or demand therefor, deliver to the Administrator of Succession Duties or a Director-Taxation, the information required by the Act, more generally indicated as the value of all property included in the succession.

(2) For the purposes of subsection (1), Form S.D. 1, Form S.D. 1 Special and Form S.D. 1 NR are hereby prescribed.

5. The forms prescribed by subsection (2) of section 4 shall be used as specified hereunder:

- (a) Form S.D. 1 shall be used where the deceased died domiciled within Canada and the value of all property included in the succession exceeds forty thousand dollars, and shall be filed in duplicate together with one certified copy and one office copy of the last will and testament of the deceased;
- (b) Form S.D. 1 Special or S.D. 1 shall be used where the deceased died domiciled within Canada and the value of all property included in the succession does not exceed forty thousand dollars, and a single copy thereof shall be filed together with one certified copy of the last will and testament of the deceased; and
- (c) Form S.D. 1 NR shall be used where the deceased died domiciled outside of Canada, and a single copy thereof shall be filed together with one certified copy of the last will and testament of the deceased.

6. Form S.D. 1 or S.D. 1 Special shall be delivered to a Director-Taxation for the district in which the deceased during his lifetime, filed his last income tax return or the district in which he resided at death.

7. Where the deceased died domiciled outside of Canada, Form S.D. 1 NR shall be delivered to the Administrator of Succession Duties, Taxation Division, Department of National Revenue, Ottawa.

**Dominion Succession Duty Act—continued***Demand for Information*

8. The Deputy Minister, the Administrator of Succession Duties and the Directors-Taxation are hereby empowered to demand by registered letter any information, additional information or explanation pertaining to any matter arising under the Act, and such information or explanation shall be furnished by the heir, legatee, substitute, institute, executor, successor or other person having under his control any such information.

*Opening of safety deposit boxes*

9. (1) For the purposes of section 51 of the Act, an officer of a branch of a bank (which includes a savings bank operated under the Quebec Savings Banks Act), of a loan or savings company, of an insurance company, or of a trust company approved by the Minister and listed in Schedule B hereto, shall in the presence of a representative of the estate represent the Minister at the opening of a depository located where such officer is employed for the purpose of examining the contents thereof and permitting the withdrawal therefrom of the will of the deceased.

(2) The representative of the estate present at the opening of a depository shall furnish the representative of the Minister with a true and complete list of the contents of the depository certified as being true and complete by the depository.

10. The representative of the Minister shall complete and sign in duplicate Form S.D. 31, which shall also be signed by the representative of the estate, and shall retain the original thereof and forward the copy together with the certified list of the contents of the depository to the Administrator of Succession Duties or to a Director-Taxation.

*Withdrawal of contents of safety deposit boxes*

11. Before the contents of any safety deposit box or depository may be withdrawn, in whole or in part, by any person except as provided for in section 9, there shall be procured from the Deputy Minister or the Administrator of Succession Duties or a Director-Taxation, Form S.D. 32 consenting to the withdrawal of the contents from the safety deposit box or depository; such form shall

- (a) bear the signature of the Deputy Minister written, printed or stamped thereon; and
- (b) be signed in the space provided for under the words "Verified by" by the Deputy Minister or the Administrator of Succession Duties or a Director-Taxation or an officer authorized by any of them.

*Consent to transfer of property*

12. Except as otherwise provided by the Act, before any property whatsoever may be transferred, the consent on Form S.D. 30, as required by section 50, shall be obtained from the Deputy Minister or the Administrator of Succession Duties or a Director-Taxation; the form shall be completed in the manner prescribed by section 11.

13. Insurance moneys, benevolent and friendly society benefits and superannuation benefits, may be paid to the persons entitled thereto, where the payment does not exceed fifteen hundred dollars; but the person making

**Dominion Succession Duty Act—continued**

such payment shall lodge notice of payment at the time thereof with the Administrator of Succession Duties or a Director-Taxation on Form S.D. 17.

14. Bank or company deposits, claims in respect of salary or wages and gratuities may be paid where the payment does not exceed five hundred dollars; but the person making such payment shall lodge notice of payment at the time thereof with the Administrator of Succession Duties or a Director-Taxation on Form S.D. 18.

*Notice of Assessment*

15. The notice of assessment required by section 23 of the Act shall be in accordance with Form S.D. 7, and shall bear the signature or facsimile signature of the Deputy Minister written, printed or stamped thereon.

*Security*

16. The security required by section 27 of the Act shall be given

- (a) by the deposit with the Receiver General of Canada of a sum of money considered by the Deputy Minister to be sufficient; or
- (b) by a bond of indemnity, satisfactory to the Deputy Minister in a penal sum not less than double the amount of the whole or unpaid portion of the estimated duty.

17. Bonds shall be furnished, according to the circumstances, in one of the following forms:

- (a) where a company is appointed executor, administrator or trustee by the will of the deceased, or by the court, and the company is by the law of the province authorized to act without security in the administration of the estate, the bond shall be in accordance with Form S.D. 2;
- (b) all other executors and administrators shall have Form S.D. 2 endorsed by way of guarantee in support of the executor's or administrator's signature by a guarantee company satisfactory to the Deputy Minister; and
- (c) every bond required to be filed by a successor shall be in accordance with Form S.D. 3 and shall be endorsed by way of guarantee by a guarantee company satisfactory to the Deputy Minister; every such bond shall be deposited with the Administrator of Succession Duties or a Director-Taxation.

*Statement of debts*

18. Debts claimed as allowances and not shown on Form S.D. 1 or S.D. 1 NR as being particular to the property described shall be declared on Form S.D. 14, and shall be filed with the Administrator of Succession Duties or a Director-Taxation at the time of the completion and filing of Form S.D. 1 or S.D. 1 NR; the Form S.D. 14 shall set forth general debts, in so far as they are then known, funeral expenses, surrogate, probate and other like court fees for which allowance is claimed.



**Dominion Succession Duty Act—continued***Interest in Expectancy in possession*

19. Where an interest in expectancy falls into possession, and the duty thereon has not been paid, the executor, administrator or trustee, or the person who benefits by such interest in expectancy, shall furnish to a Director-Taxation on Form S.D. 1 where the deceased died domiciled within Canada, or to the Administrator of Succession Duties on Form S.D. 1 NR where the deceased died domiciled outside of Canada, a statement in detail showing particulars of the property in respect of which such interest in expectancy exists, and the value thereof at the time of falling into possession.

*Certificate of Discharge*

20. Where the Deputy Minister is satisfied that the succession duties have been paid in full by the person or persons who were liable therefor in respect of all properties included in successions from the deceased, he may cause to be issued a Certificate of Discharge on Form S.D. 9; the form shall be completed in the manner prescribed by section 11.

*Valuation of annuities*

21. (1) The value of every annuity, term of years, life estate, income or other estate, and of every interest in expectancy, shall be determined

- (a) where the succession does not depend on life contingencies, on the basis of compound interest at the rate of four per centum per annum with annual rests; and
- (b) where the succession depends on life contingencies, on the basis of compound interest at the rate of four per centum per annum with annual rests, together with the standard of mortality as defined in Table II;

and Tables I, III and IV which are derived from the said bases, shall be used so far as they may be applicable in the valuation of any succession.

(2) The amount of the duty payable in respect of any succession within the terms of paragraph (b) of subsection (3) of section 7 of the Act shall be determined in accordance with Table V.

(3) Tables I, II, III, IV and V are contained in Schedule C hereto.

**Schedule B****APPROVED TRUST COMPANIES**

The Acadia Trust Company  
Administration and Trust Company  
Barclays Trust Company of Canada  
British Canadian Trust Company  
The British Mortgage & Trust Corporation of Ontario  
The Brockville Trust and Savings Company  
The Canada Permanent Trust Company

**Dominion Succession Duty Act—concluded**

The Canada Trust Company  
The Central Trust Company of Canada  
Chartered Trust Company  
Co-operative Trust Company Limited  
Crown Trust Company  
Custodian Trust Company Limited  
The Eastern Trust Company  
The Equitable Trust Company  
Executors and Administrators Trust Company Limited  
General Trust of Canada  
Guardian Trust Company  
Guaranty Trust Company of Canada  
The Imperial Trust Company  
The Industrial Mortgage and Trust Company  
The Lambton Loan & Investment Company  
The Maritime Trust Company  
Montreal Safe Deposit Company  
Montreal City & District Trustees Limited  
Montreal Trust Company  
Morgan Trust Company Limited  
National Trust Company Limited  
The Nova Scotia Trust Company  
Okanagan Trust Company  
Osler & Nanton Trust Company  
The Premier Trust Company  
Prince Edward Island Trust Company  
Prudential Trust Co. Limited  
Retailers' Trust Company Limited  
The Royal Trust Company  
The Security Trust Company Limited  
Sherbrooke Trust Company  
The Sterling Trusts Corporation  
Toole, Peet Trust Company  
The Toronto General Trusts Corporation  
Victoria & Grey Trust Company  
The Waterloo Trust & Savings Company  
Westminster Trust Company  
The Yorkshire & Canadian Trust Limited

**FORMS**

*Copies of the forms contained in Schedule A and of Tables for valuation of annuities contained in Schedule C may be obtained from the Administrator of Succession Duties, Taxation Division, Department of National Revenue, Ottawa.*

## DOMINION WATER POWER ACT. (R.S.C., 1952, c. 90)

## Dominion Water Power Regulations

P.C. 1954-2031

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Dominion Water Power Act, is pleased to order as follows:

1. The Dominion Water Power Regulations, established by Order in Council P.C. 4683 of 19th November, 1947, are hereby revoked; and

2. The annexed "Regulations respecting Dominion Water-Powers" are hereby made and established in substitution for the regulations hereby revoked.

## REGULATIONS RESPECTING DOMINION WATER-POWERS

*Short Title*

1. These regulations may be cited as the *Dominion Water Power Regulations*.

*Interpretation*

2. In these regulations,

(a) "actual construction" includes

- (i) any necessary and authorized work carried on in pursuance of these regulations,
- (ii) engineering investigations and reports,
- (iii) the clearing of lands,
- (iv) the construction of roads or railways,
- (v) stream improvements, and
- (vi) other essential work undertaken solely in the construction of works authorized and not used independently as a source of profit;

but does not include

- (vii) promotion work,
  - (viii) the underwriting, sale or disposal of stocks and bonds, or
  - (ix) general administrative or directive functions exercised at some distance from the scene of operations;
- (b) "actual cost" of any development of works includes
- (i) the actual legitimate cost of such development or works in use and useful for the purposes of the undertaking at the time that any particular inquiry is being made,
  - (ii) the cost of engineering services appertaining to the construction of such development and works;
  - (iii) interest during construction,
  - (iv) taxes and insurance during construction,



**Dominion Water Power Act—continued**

- (v) contractor's profit,
- (vi) the purchase of equipment,
- (vii) the cost of roads, railways, clearings or other essential works undertaken and carried on solely in the construction of such development or works and not independently profitable, and
- (viii) such other expenditures as are necessary and inherent items of construction;  
but does not in any case include
- (ix) promotion expenses,
- (x) the cost of underwriting, selling or disposing of stocks and bonds, or
- (xi) head office and other expenditures relating to general administration exercised at some distance from the development or works which are not necessary and inherent parts of the construction expenditures;
- (c) "Department" means Department of Northern Affairs and National Resources;
- (d) "Director" means the Director of Water-Power, who shall be the Chief of the Water Resources Division of the Department or such other person designated by the Minister;
- (e) "final construction plans" means the plans of the power development or power system as actually constructed, and in every case includes plans of the lands as finally occupied to conform with the requirements of sections 10 and 17;
- (f) "final licence" means a licence authorizing the diversion, use, or storage of water for power purposes, or the transmission and distribution of water power;
- (g) "general construction plans" means the plans of the works which are required to be approved by the Director before the interim licensee is permitted to commence the construction of the power development;
- (h) "general layout plans" means the plans which are required to be filed by the applicant before an interim licence may be issued;
- (i) "independent works" means all works and plants outside of the power system which may be classed as tributary to independent undertakings of the licensee and not to the undertaking authorized;
- (j) "initial development" means such portion of the "power or storage development" as is specified in the interim licence as being required to be constructed before a final licence may be issued;
- (k) "inter-connected systems" means the power system and all plants and works connected therewith, related thereto and inter-dependent upon it, and similarly used in the generation, transmission, and distribution of electrical energy;
- (l) "interim licence" means a licence authorizing the preparation of general construction plans and the construction of works in pursuance of such plans;
- (m) "Minister" means the Minister of Northern Affairs and National Resources;
- (n) "power development" includes
  - (i) the physical structures within the severance line required for the storage or use of the stream-waters, for the production of power therefrom, and for the transmission thereof, and

**Dominion Water Power Act—continued**

- (ii) the dams or other diversion works, the power-house, the conduits conducting water thereto, the transmission lines within the severance line, and all hydraulic or electrical machinery, appliances, fixtures, equipment, appurtenances and lands and rights of way required in connection therewith, also clearings, roads, trails, and railways in so far as required to be constructed and still used and useful in connection therewith and not independently profitable;
- (o) "preliminary sketch plan" means the preliminary plan or sketch filed by the applicant with his initial application;
- (p) "public lands" means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose;
- (q) "severance line" means the dividing or boundary line which separates those lands, works and properties used or useful in connection with the undertaking that are considered to be essential to the power or storage development from other lands, works and properties used or useful in connection with the undertaking but not considered to be essential to the development;
- (r) "storage development" includes
  - (i) the physical structures within the severance line required for the storage of the stream-waters for the production of power,
  - (ii) the dams or other storage works, the intakes and water conduits within the severance line,
  - (iii) all hydraulic or electrical machinery, appliances, fixtures, equipment and appurtenances,
  - (iv) lands and rights of way required in connection therewith, and
  - (v) clearings, roads, trails and railways in so far as required to be constructed and still used and useful in connection therewith and not independently profitable;
- (s) "system" or "power system" means all lands, structures and appurtenances required to complete the undertaking authorized, including the power development, works, reservoirs, transmission lines, distribution works, auxiliary steam or other fuel plants, the lands required to be occupied, clearings, roads and railways in so far as required in connection with the power development, and all mills, buildings, machines, appliances, fixtures, equipment and appurtenances required in connection therewith;
- (t) "works" with reference to any power development, power system or undertaking, means all the physical structures, devices, equipment, appliances, appurtenances and things whatsoever, authorized or required to be constructed, maintained or operated by the applicant or licensee in respect of such power development, power system or undertaking.

*Application*

3. (1) An application for a licence to divert, use or store water for power purposes may be made to the Director and shall contain the following information,

- (a) the name, address and occupation of the applicant;
- (b) the name or a clear description of the river, lake or other water-course from which the water is to be diverted or used;

**Dominion Water Power Act—continued**

- (c) the place where the water is to be diverted from or in the said watercourse, referred if possible to an established monument of the existing system of land surveys, and the place where the water is to be returned or released;
  - (d) the maximum quantity of water, expressed in cubic feet per second, which it is estimated will be ultimately diverted or used under the licence applied for;
  - (e) the estimated average head in feet which will be available for the production of power according to the plan of development proposed;
  - (f) the estimated minimum amount of energy expressed in horse-power that will be developed on the turbine shaft within five years from the date of the application or within such other period as the applicant may state to be required for the completion of his initial development;
  - (g) the maximum amount of energy expressed in horse-power which it is estimated will ultimately be developed on the turbine shaft from the waters for which application is made;
  - (h) a brief statement with respect to the character and extent of all principal works which it is proposed to construct;
  - (i) with respect to each dam involved, its approximate maximum length and height, its proposed type, and the material to be used in its construction;
  - (j) where storage is involved, the location of each lake, basin or other place in which it is desired to store water;
  - (k) for each storage reservoir, the approximate number of acres of land which it is proposed to flood, the approximate area in acres of the surface of the reservoir when filled, the estimated vertical storage range in feet, and the total capacity of storage contemplated in acre-feet; and
  - (l) a reasonably accurate description and the acreage of the lands required for occupation or use in the construction, maintenance or operation of the proposed works, noting separately lands required for rights of way and lands that are to be flooded,
    - (i) within public lands,
    - (ii) within provincial Crown lands, and
    - (iii) within privately owned lands.
- (2) An application shall be accompanied by
- (a) a preliminary plan or sketch, with scale so selected as to show upon a single sheet the entire project applied for, with the approximate location of all the principal works and lands referred to in paragraph (l) of subsection (1);
  - (b) a description of and a sketch showing the nearest neighbouring works or structures completed or in course of construction, both above and below the place of the proposed diversion, for diverting or using water for any purpose from the same source of supply and the approximate distance and direction of each such works from the proposed works; also the names and location of any other works or structures whatever, including bridges, railways and canals, which might affect or be affected by the construction, maintenance or operation of the proposed works;



**Dominion Water Power Act—continued**

- (c) the approximate discharge in cubic feet per second, at or near the place of diversion of the river, lake or other source from which the water is to be diverted at high, medium and low water stages respectively, together with copies of any existing measurements of the flow of the stream in the applicant's possession and a reference to all other such measurements of which the applicant has knowledge; and
  - (d) a brief outline of the undertaking in respect of which the licence is desired, including the use to which the power is to be applied, any sale, delivery or transfer thereof to other than the applicant which is contemplated, the territory, if any, within which such sale, delivery or transfer is to be exercised, the probable demand for power within such territory and an estimate of the capital cost of the entire undertaking.
- (3) Where the applicant is an incorporated company, the application, in addition to the information required by subsections (1) and (2), shall contain
- (a) the names of the directors and officers of the company and their places of residence;
  - (b) the address of the head office of the company in Canada;
  - (c) the amount of capital authorized, subscribed, and paid-up, specifying in regard to paid-up capital, the amount paid in cash and the manner of payment for the balance;
  - (d) the proposed method of raising further funds, if required for the construction and operation of the proposed works; and
  - (e) a copy of the special act of incorporation or the memorandum of association.
- (4) Where the applicant is a municipality or municipal district, the application, in addition to the information required by subsections (1) and (2), shall contain
- (a) the location, area and boundaries of the municipality or district;
  - (b) the approximate number of its inhabitants;
  - (c) the present indebtedness of the municipality or district and its borrowing limit;
  - (d) a certified copy of any by-law or resolution passed by the municipality or district respecting the application or the undertaking to which the application relates; and
  - (e) a certified copy of any enabling Act or other statutory provision authorizing the municipality or district to engage in the proposed undertaking.
- (5) All elevations given in connection with the plans or other information filed by any applicant shall be referred, if feasible, to mean sea-level datum.
- (6) The applicant, when requested so to do by the Minister, shall file an affidavit setting forth such facts as may be required with respect of his financial standing and to his ability to carry out the proposed undertaking.
- (7) The Director may, at any time while an application is pending, notwithstanding any other requirement of these regulations, call for such additional plans, descriptions, measurements, specifications or other data,

**Dominion Water Power Act—continued**

whether related directly or indirectly to the proposed works and undertaking, as he considers necessary, and the same shall be furnished by and at the expense of the applicant.

*Publication and Hearings*

4. (1) Upon request in writing from the Director, the applicant at his own expense shall publish a notice of the application in at least one issue of the Canada Gazette and in one or more issues of such other publications as the Director may specify.

(2) The notice shall be marked at the top in plain letters "Dominion Water-Power Application", and shall be in a form approved by the Director, and shall give substantially the following information,

- (a) name and address of applicant;
- (b) date of application;
- (c) name or clear description of source of water supply;
- (d) place of diversion clearly described;
- (e) maximum horsepower capacity of the proposed plant;
- (f) nature of the undertaking and utilization of the power;
- (g) a statement that the application has been filed with the Director, and that protests or objections may be filed by any interested party with the Director or at certain local points to be designated;
- (h) when storage or pondage of water is contemplated, the place of storage, the capacity of the intended reservoir, and a general description of the lands which will be flooded; and
- (i) such other information as the Director may require.

(3) The applicant shall file proof of publication of the notice in the form of an affidavit, made by a person having knowledge of the publication, to which shall be attached a copy of the notice as published.

(4) Following the completion of publication of the notice, a period of thirty days shall be allowed in which protests or objections may be filed with the Director.

(5) Where a protest or objection is filed within the period specified in subsection (4), or when for other reasons, the Minister considers that a hearing should take place before action is taken, he shall designate a time and place for the hearing and shall name a person to preside over and conduct the hearing.

(6) The hearing may be adjourned from time to time, and the applicant may be permitted for the time being to continue the preparation of his plans and the carrying on of investigations.

(7) The person conducting the hearing shall report his findings and recommendations in writing to the Minister, and the Minister may in his discretion reject the application if he deems it necessary in the public interest.

*Survey Permit*

5. (1) Subject to subsection (3), the Director may issue to an applicant a survey permit which shall empower the applicant, during the period stated therein which shall not exceed three years, to enter upon any public lands without other licence therefor, and upon the lands of any person for the purpose of making such surveys and investigations as may

**Dominion Water Power Act—continued**

be necessary for the preparation of his general layout plans, but for no other purpose, and the applicant shall, in making such surveys and investigations, do as little damage as possible, and shall make full compensation to all persons sustaining damage.

(2) The issuance of a survey permit does not give the applicant any priority over other applicants for the development of any water power, or any special claim or right whatsoever in respect of the water power.

(3) The applicant shall furnish such security as the Director may require for the payment of any sums which may be subsequently awarded for any damage caused by the applicant in making any surveys and investigations authorized under these regulations.

*General Layout Plans*

6. (1) An applicant shall file his general layout plans with the Director by such date as is specified by the Director.

(2) The general layout plans and data shall be such as will enable the Director to determine whether

- (a) the proposed works are of suitable design to accomplish the purpose intended;
- (b) the proposed development is in general accord with the most beneficial utilization of the resources of the stream in Canada; and
- (c) the proposed undertaking is feasible and practicable and in the public interest;

and such plans shall further conform to any requirements of the Director not inconsistent with these regulations.

(3) The said plans and specifications shall

- (a) be based on actual and thorough surveys and investigations on the ground;
- (b) be in sufficient detail to enable the Director to determine exactly what is proposed to be done by the applicant;
- (c) show the position of the proposed works with reference to surrounding objects so that the exact scope of the project may be readily ascertained and located; and
- (d) show what provisions are being made for navigation, logging and other interests.

(4) When the Director is of the opinion that further information and plans are necessary before an interim licence is issued, he may request the applicant to furnish additional information and plans.

(5) Plans or maps shall in every case show the location and area of the lands which are required to be occupied, used or flooded in connection with the proposed works.

(6) Elevations wherever feasible shall be related to mean sea-level datum.

*Priority Permit*

7. (1) Where the applicant has completed satisfactorily the submission of such of the information called for by section 3 and has supplied such of the plans and specifications as will satisfy the Minister that

- (a) the proposed development is in general accord with the most beneficial utilization of the stream waters;



**Dominion Water Power Act—continued**

- (b) the proposed undertaking is feasible and practicable and in the public interest; and
- (c) the applicant has the requisite financial ability to carry the project to a successful consummation;

the Minister may issue to the applicant a priority permit which shall give the applicant priority over other applicants in the consideration of his general layout plans if filed within the time specified in the permit.

(2) In granting a priority permit the Minister may give preference to an application by a province, municipality or municipal district where he considers such preference to be in the public interest.

(3) Such permit shall in no case be construed as binding the Minister to issue an interim licence nor as giving the applicant any exclusive claim or right, nor as relieving the Minister from considering other possible schemes for the development of the site, if there is reason to believe that they may result in a more beneficial utilization of the natural resources or be otherwise in the public interest.

(4) A priority permit shall be effective for a period not to exceed one year but may be renewed.

(5) Extensions of time shall not be granted unless it is shown to the satisfaction of the Minister by statutory declaration by the applicant, and otherwise, that the applicant has promptly and diligently continued the surveys and preparation of the plans in good faith, and has been prevented by causes beyond his control, other than the want of funds, from completing the same within the time fixed, but in no case shall the applicant be given an extension of more than one year from the expiry of the time originally fixed.

(6) If the plans and information required are not completed and filed before the expiration of the initial period or of any extension, the applicant's priority shall lapse.

*Interim Licences*

8. (1) The minister, where he considers it advisable, may issue to the applicant an interim licence for the carrying out of the proposed development when he is satisfied that

- (a) the proposed works are of suitable design to accomplish the purpose intended;
- (b) the proposed development is feasible and practicable and is in accord with the most beneficial utilization of the resources of the stream; and
- (c) it is the best possible development in the public interest for which the site may be used, consideration being given to both present conditions and future requirements.

(2) An interim licence shall contain

- (a) the times and manner of payment and the rates or amounts to be paid during the life of the interim licence as rentals or royalties for
  - (i) lands occupied; and
  - (ii) waters used for which the rental ordinarily shall be based on the horsepower capacity of the installation in place or placed during the year and shall in no case be at a rate less than seventy-five cents per year per installed horsepower; and

**Dominion Water Power Act—continued**

- (b) such other terms and conditions subject always to these regulations as may be imposed by the Minister.
- (3) Every interim or final licence shall
  - (a) be deemed to incorporate and shall be subject to the provisions of the regulations in force at the time of the issue of such interim or final licence in so far as applicable to the said interim or final licence;
  - (b) be subject to such other stipulations, provisos and conditions, not inconsistent with these regulations, as the Minister may impose; and
  - (c) be subject to amendments to, or changes in, or additions to these regulations made during the term of such licence which are not inconsistent with the rights and privileges granted under the licence.

*General Construction Plans*

9. (1) The interim licensee shall file his general construction plans and specifications with the Director within the time specified in the interim licence.

(2) The plans and specifications shall be such as would be required for submission to construction contractors for the purpose of receiving tenders and shall be in sufficiently advanced form to satisfy the Director, although the details of the final design need not be complete.

*Plan of Lands*

10. (1) The interim licensee shall, at a time fixed by the Director, supplement the general construction plans of the works by a plan of lands from an actual survey by a Dominion Land Surveyor acting under instructions from the Surveyor General of Canada.

(2) The plan of lands shall be certified by such surveyor and shall show and describe by section, township and range or lot number if in surveyed territory, or by other accurate description if in unsurveyed territory, the lands which are required to be occupied or used in the construction, maintenance and operation of the proposed works, noting separately,

- (a) public lands not covered by water required for main diverting works, power-houses and other similar works;
- (b) public lands covered by water required for the said purpose;
- (c) public lands required only to be flooded in connection with the storage or pondage of water;
- (d) public lands required only for rights of way for water conduits, transmission lines and other similar works;
- (e) public lands, if any, required for substations, distributing stations, terminal stations and other similar buildings;
- (f) provincial Crown lands; and
- (g) privately owned lands.

(3) The plan shall be accompanied by a statement giving with respect to each parcel of privately owned lands,

- (a) the registered owner in fee thereof;
- (b) any registered mortgagee or lessee; and

**Dominion Water Power Act—continued**

(c) any claimant in actual possession other than a registered owner, mortgagee or lessee.

(4) When required by the Director, the surveys and investigations required by this section shall be made by the Legal Surveys Division of the Department of Mines and Technical Surveys and in such case the interim licensee shall reimburse Her Majesty for all salaries and expenses paid for such surveys upon the presentation to the interim licensee of accounts properly certified.

*Approval of Plans*

11. (1) The Director shall examine the general construction plans and specifications of the works and the plan of lands, and shall report thereon to the Minister.

(2) The Director shall notify the interim licensee in writing whether the plans have been approved by the Minister, or have been approved subject to conditions, or have been rejected and the interim licence cancelled.

(3) Approval or non-approval of any plans shall neither incur the responsibility of the Crown nor relieve the interim licensee from the consequences which may result from the construction of the works, from imperfections in departmental requirements, or from the operation of the works.

*Commencement of Construction*

12. (1) The interim licensee shall not commence the actual construction of the proposed works until he is notified by the Director that his general construction plans and specifications of such works have been approved either with or without conditions.

(2) The Minister, prior to the approval of the general construction plans, may in his discretion grant permission to an interim licensee to carry on such preliminary construction operations as the clearing of sites for structures, the clearing of land that will be flooded, or any other work other than the actual construction of the permanent works.

(3) Authority granted the interim licensee under subsection (2) shall be without prejudice with respect to action by the Minister on the general construction plans or otherwise.

(4) Within six months after receiving notification that the plans have been approved, the interim licensee shall commence the construction of the works and shall thereafter without interruption, other than want of funds, carry on and complete the construction according to the plans and specifications as approved, and subject to the terms of the interim licence and of these regulations.

*Guarantee Deposit*

13.(1) Within sixty days after being notified in writing by the Director of the approval of the general construction plans and specifications, the interim licensee shall, for the purpose of guaranteeing the performance and fulfilment by the interim licensee of the terms and conditions of the licence, forward to the Director for deposit with the Department of Finance,

(a) a guarantee deposit, computed in the case of a power undertaking upon the horsepower capacity of the site as determined by the Director according to the following scale:

Up to 1,000 H.P. ....	\$2.00 per H.P.
the next 9,000 H.P. ....	\$1.00 per H.P.
all over 10,000 H.P. ....	\$0.50 per H.P.



**Dominion Water Power Act—continued**

- (b) a guarantee deposit, computed in the case of a storage undertaking upon the estimated cost of the storage development as determined by the Director according to the following scale:

5 per cent on the first 100,000 of estimated cost

2½ per cent on the next 900,000 of estimated cost.

1 per cent on the amount above \$1,000,000 of estimated cost.

(2) A guarantee deposit required under this section shall in no case exceed fifty thousand dollars and shall be in one or more of the following forms:

- (a) a certified cheque drawn on a bank incorporated under the Bank Act or the Quebec Savings Banks Act;
- (b) bonds of the Government of Canada or of a company included in the "National Railways" as defined in the Canadian National Railways Capital Revision Act, 1952, unconditionally guaranteed as to principal and interest by the Government of Canada, where such bonds are
- (i) payable to bearer,
- (ii) hypothecated to the Minister of Finance and Receiver General of Canada in accordance with the provision of the Domestic Bonds of Canada Regulations, or
- (iii) registered in the name of the Minister of Finance and Receiver General of Canada.

(3) A guarantee deposit may be refunded by the Minister to the interim licensee as the actual construction work progresses, the first, second, and third quarters thereof to be refunded when one-fourth, two-fourths, and three-fourths, respectively, of the initial development have been satisfactorily completed, the fourth quarter to be refunded when the final licence is issued.

(4) An interim licensee shall furnish to the Director, in the form of a statutory declaration or otherwise as may be required, evidence of satisfactory progress in the works to the stage that is required by the terms of his interim licence.

(5) The Minister is the final arbiter of the satisfactory completion of the first one-fourth of the initial development.

(6) When the general construction plans submitted by the interim licensee are rejected and the interim licence has been cancelled, but the said interim licensee has complied with all requirements in filing the said plans, the guarantee deposit shall be refunded upon application therefor, and the Minister may make such provision as he deems just for compensating the interim licensee for the said plans where they prove to be valuable in connection with the disposition that is eventually made of the power site.

(7) When the interim licensee fails to comply satisfactorily with the terms of his interim licence, the guarantee deposit, or such part thereof as the Minister may determine, shall be forfeited to the Crown.

*Rights in Lands Under Interim Licence*

14. (1) Only such interim rights of entry upon or of the use or occupation of any public lands shall be acquired in virtue of any interim licence as may, in the opinion of the Minister, be necessary for the purpose of making surveys, preparing plans, constructing works and otherwise carrying out the terms of the licence, and in no case shall the rights granted by any interim licence be construed to interfere in any way with any interest in public lands previously disposed of by the Crown.

**Dominion Water Power Act—continued**

(2) From time to time, as plans and information are filed showing the extent and scope of the works and the undertaking of the interim licensee with greater precision than was possible at the time when the interim licence was executed, and pending the execution of the final licence, the Minister may designate, allot, amend or limit the areas of the lands which the interim licensee is permitted to enter upon, use or occupy, and the Minister's decision is final.

(3) When the general construction plans are approved, or as nearly thereafter as is found feasible, the Minister shall designate in writing the lands with respect to which the powers of expropriation conferred by the Dominion Water Power Act may be exercised; and the interim licensee shall in no case exercise such powers of expropriation until the lands are so designated nor with respect to other lands than those specified.

*Change in Plans*

15. Before making any material change in the general construction plans as approved, or in the works constructed or under construction under the licence, or in the location thereof authorized, the interim licensee shall submit to the Director a complete and satisfactory statement and plans of such proposed change and shall not proceed therewith until authorized to do so.

*Inspection and Reports*

16. (1) The Minister, the Director, or any person authorized by either, may at any time enter and inspect the lands occupied or the works being constructed by an interim licensee,

(a) for the purpose of ascertaining whether the terms and conditions of the interim licence are being satisfactorily carried out by the interim licensee, and in particular whether the construction of the works is in accordance with the plans and specifications approved as hereinbefore provided;

(b) for the purpose of checking and taking note of construction—cost data;

and shall be given access to all records in the possession of the interim licensee or of any contractor or subcontractor engaged on construction of the works.

(2) When he considers the undertaking of sufficient importance, the Director may place a qualified inspecting engineer on the work during construction and, where the Minister considers it necessary, he may retain a consulting engineer for advice in connection with the plans or works of the interim licensee.

(3) The licensee shall reimburse Her Majesty in right of Canada for all sums paid for salaries and expenses in respect of the said undertaking on behalf of the said inspecting engineer, within thirty days after receipt of a statement of the sums so paid to a specified date being submitted to the licensee by the Director.

(4) In like manner, the licensee may also be required, at the discretion of the Minister, to reimburse Her Majesty in right of Canada for all or part of sums paid for fees and expenses of the said consulting engineer.

(5) The interim licensee shall comply with all reasonable written instructions of the inspecting engineer regarding the construction of all

**Dominion Water Power Act—continued**

works in accordance with the plans and specifications approved as hereinbefore provided, and in case of dispute, regarding the reasonableness of such written instructions, or regarding the requirements of the plans and specifications, the Minister's decision is final.

(6) Where the interim licensee does not comply with the written instructions of the inspecting engineer, the Minister may order the interim licensee to suspend all operations with respect to the works until the Minister gives instructions to resume the same, and in the case of continued refusal by the interim licensee the Minister may cancel the interim licence.

(7) The interim licensee shall submit such reports of progress during construction of the works as the Director may from time to time require.

*Final Construction Plans*

17. (1) Within ninety days after the completion of the initial development in accordance with the general construction plans or with any authorized changes therein, and within ninety days after the completion of any additional unit of the power development or of the power system, the licensee shall file with the Director copies of the final construction plans.

(2) The final construction plans, together with drawings and specifications accompanying them, shall show

- (a) the works as actually constructed in such detail as would be required to be given to construction contractors for the purpose of constructing the works; and
- (b) the precise areas of lands occupied as required by section 10.

*Plans and Specifications*

18. (1) All plans required to be filed shall be on tracing linen and cut to uniform size of 20 by 17 or 30 by 26 inches and shall satisfy the requirements of the Director.

(2) All specifications shall be either printed or typed.

(3) All plans except the plans referred to in section 3 and all specifications shall be signed by a professional engineer of recognized standing in Canada satisfactory to the Director.

*Fixation of Construction Costs*

19. (1) Upon completion of the initial development including any substantial addition thereto or any additional lands or rights of way acquired within the severance line, a sum shall be fixed by the Minister which in conformity with these regulations shall represent the actual cost of such development.

(2) A final licence shall not be issued to the interim licensee until such licensee has fully complied with the requirements of this section and sections 17 and 18 in so far as they relate to the completion of the initial development.

(3) For the purpose of determining whether the interim licensee's progress in constructing works has been sufficient to comply with the terms of his interim licence and of these regulations, or for determining whether any part of the interim licensee's guarantee deposit is repayable or for any other purpose, but not oftener than once in a calendar year, the Minister may require that the actual cost shall be established of such part of the



**Dominion Water Power Act—continued**

initial development as has been constructed to a certain date; in such case the interim licensee shall promptly submit all figures and data in his possession, and a sum shall be fixed to represent the cost of such part in the same manner as hereinbefore provided for fixing the cost of the entire initial development.

(4) No part of the interim licensee's guarantee deposit then claimed to be repayable shall be refunded until the requirements of this section shall have been fully satisfied.

*Operation Under Interim Licence*

20. (1) Where the works are put into operation before the issuance of the final licence, the interim licensee shall, pending the issuance of such final licence and until otherwise agreed upon, maintain and operate them to the satisfaction of the Director and shall at no time raise the level of the waters of any river, lake or other body of water, or permit such level to be raised higher than the elevation which shall be fixed from time to time by the Director, and shall abide by all regulations which may from time to time be promulgated by the Minister for the control of the flowage of any waters for general conservation purposes.

(2) From the date of the initial production of power from the development until the date set in the interim licence for the completion of the initial development, the interim licensee shall pay rental for water used in the production of power at the rates set out in the interim licence.

(3) From the date set in the interim licence for the completion of the initial development, the interim licensee shall pay rental for water used in the production of power at the rates set out in subsection (7) of section 30.

(4) In addition to any obligations specifically imposed upon interim licensees, every interim licensee shall, in so far as his position for the time being is similar to that of a final licensee, observe and comply with all the provisions of these regulations applicable to final licensees with respect to the use and occupancy of public lands and waters, and the maintenance and operation of his works, and the carrying on of his undertaking.

*Amending Interim Licence*

21. Subject to these regulations,

- (a) the terms of any interim licence may be amended by a supplementary licence; and
- (b) the plans and specifications previously approved may be amended with the consent in writing of the Minister,

but any such amendment shall affect only the portion specifically covered in such supplementary licence or writing, and shall not operate to alter or amend or in any way whatsoever be a waiver of any other part, condition or provision of the original interim licence.

*Extension of Time*

22. (1) Where by reason of engineering difficulties that could not reasonably have been foreseen or by other peculiar or special causes beyond his control other than the want of funds, the interim licensee has been prevented from

- (a) filing general construction plans,

**Dominion Water Power Act—continued**

- (b) commencing construction,
- (c) expending sums required to be expended within any stated period,  
or
- (d) completing the initial development,

the Minister may grant an extension of time for completing these requirements.

(2) The maximum extension that may be granted in any case for the filing of the general construction plans, or for the commencement of construction work, or for the expenditure of the sums required in the interim licence within the first and second years respectively of the construction period or within such other stated times as are specified in the interim licence, is twelve months.

*Penalties for Default by Interim Licensee*

23. (1) The Minister shall cancel the interim licence when the interim licensee fails

- (a) to file satisfactory general construction plans within the time required,
- (b) to commence the actual construction of the initial development in good faith within the time specified, or
- (c) to make substantial and satisfactory progress in the first year of the period allowed for the construction of the initial development.

(2) Where the licensee has in large part satisfactorily performed the requirements of his licence but fails

- (a) to expend on the initial development, within any of the stated periods set out in his interim licence the amount required by such licence to be so expended,
- (b) to complete the said development within the time specified, or
- (c) to comply with any other term or condition of his interim licence or of these regulations,

after sixty days' notice has been given to the licensee and he has been given an opportunity to be heard, the Minister may cancel the interim licence or take such other action or make such order as in his opinion and subject to these regulations is suitable.

(3) Where the interim licence is cancelled under subsection (2), the interim licensee may be granted a new interim licence in priority over all other applicants for the development of the site, but in every case such new licence shall date from the date of the original interim licence, and shall in all other respects be made subject to and shall be deemed to incorporate, in so far as applicable, the provisions of these regulations.

(4) Where the interim licence is cancelled by the Minister under this section but in the opinion of the Minister the interim licensee is entitled to compensation for any works constructed on public lands or for any plans filed by him in pursuance of his interim licence, the Minister with the approval of the Governor in Council may make such order for payment of compensation as he considers just.

(5) In computing the amount of compensation to be paid under subsection (4), the Minister shall in every case consider the damage to the public interest by reason of the default or failure of the interim licensee,

**Dominion Water Power Act—continued**

and the said compensation, if any, shall in no case exceed the actual cost of such works or plans determined in accordance with section 19 or the compensation that would be determined by applying the principles set out in subsection (2) of section 28.

(6) Where the interim licence is cancelled under this section and the interim licensee is not granted a new interim licence, the Minister may make any disposition of the public lands and the works thereon and formerly occupied or constructed by the interim licensee pursuant to the terms of his interim licence, as the Minister may deem suitable.

(7) Where an interim licence is cancelled under the terms of this section, the rights of Her Majesty with respect to the possession, occupation and use of any lands, works, structures, equipment or properties other than public lands and works located thereon, then owned or held by the interim licensee and used or occupied in connection with the undertaking to which the interim licence relates, and the compensation to be paid for any such other lands, works, structures, equipment and properties, shall be determined in accordance with the provisions of section 28.

*Completion of Initial Development*

24. (1) As soon as the interim licensee has completed his initial development and has otherwise fulfilled the terms of the interim licence, he shall file in the office of the Director written notice of such completion and fulfilment.

(2) Subject to subsection (3), the Director shall have an inspection and if necessary a survey made of the works constructed or used and of the lands and waters used or occupied in connection with the undertaking.

(3) Where the Director deems inspection unnecessary, he may require the interim licensee to file, not later than sixty days after the expiry of the time fixed for such completion, proof of the said completion and fulfilment in the form of a statutory declaration satisfactory to him.

(4) Upon compliance on the part of the licensee with the requirements of this section, the Director shall determine a date which, for the purposes of these regulations, shall be the date of completion of the initial development.

*Issuance of Final Licence*

25. (1) Upon the completion of the initial development according to the plans previously approved and upon fulfilment and compliance otherwise with all the terms and conditions of his interim licence and of such of the provisions of these regulations as are applicable to the case, the interim licensee shall be entitled to the issue in his favour of a final licence authorizing the diversion, use, or storage of water at the site, for the development of energy therefrom, for the utilization of such energy, and for the occupation or use of public lands which, in the Minister's opinion, are required for the proper maintenance and operation of the works.

(2) The Minister may issue a final licence in the form of two or more separate indentures, covering the rights granted with respect to the diversion and use of the waters and with respect to the occupation and use of the lands which are to be granted but, where such separate indentures are issued, they shall be executed concurrently and the terms and conditions of each such indenture shall be deemed to be incorporated in all, and non-compliance with any term or condition in any such indenture shall be taken to be non-compliance with the terms and conditions of all.



**Dominion Water Power Act—continued**

(3) Upon the issue of any final licence, all rights held and obligations assumed under the interim licence shall cease and determine.

(4) The final licence shall contain

(a) the rates or the amounts of the annual rentals payable during the first term of the licence for

(i) water used or stored, which shall be at the rates set out in subsection (7) of section 30;

(ii) land occupied; and

(iii) any other privilege granted; and

(b) such other terms and conditions as the Minister may impose.

*Term of Licence*

26. (1) The Minister may issue a final licence for a term not exceeding fifty years from the date fixed in the original interim licence for the completion of the initial development.

(2) Where the final licence has been in effect for thirty years and upon twelve months notice having been given to the licensee by the Minister, Her Majesty may take possession of the works, lands and properties of the licensee, paying compensation therefor in accordance with the principles set out in sections 28 and 29.

(3) In determining the value of the power development, the Minister may add to the amount determined in accordance with subsection (2) of section 28, a bonus equal to three-quarters of one per cent of such amount for each and every full year of the unexpired term of the licence but in no case shall such bonus be less than five per cent of such amount.

(4) In valuing works and lands outside the severance line, the Minister may increase the bonus as provided in section 29, to an amount not exceeding twenty per centum of the physical value of the works or of the actual cost of the lands.

27. (1) Not less than four nor more than six years prior to the termination of any licence, the licensee may apply in writing for an extension of rights held under such licence, and applications may also be filed with the Director by other persons looking to the future utilization of the site to which the licence applies.

(2) Any application under subsection (1) shall be in such form and contain such statements and information as will satisfy the laws and regulations then in force, and such application for renewal by the licensee shall in every case be accompanied by a suitable undertaking on the part of the licensee that he will comply with all the said laws and regulations.

(3) Upon the filing of such application for renewal and undertaking, the licensee will be given preference over other applicants for a licence to use and occupy the waters and lands during a further term, if the licensee has complied with all the requirements of his licence and of the regulations from time to time in force to the satisfaction of the Minister and that his proposed use and development of the site is at least as desirable in the public interest as that of any other applicant.

(4) Within the four-year period immediately preceding the termination of any licence and after such public hearing as the Minister may deem necessary, but subject always to the laws and regulations then in force,

**Dominion Water Power Act—continued**

the Minister shall determine, in view of all applications then pending for the future occupation and use of the waters and lands, including the application for renewal, if any, of the licensee, what future disposition shall be made of the waters and lands.

(5) Where a disposition of the waters and lands, other than a licence to the licensee for a further term, is decided upon, the Minister shall give the licensee not less than three years' notice in writing (hereinafter called "notice of termination") that from and after the expiry of his licence or from and after such subsequent date as is fixed by the Minister, all further rights of the licensee with respect to the occupancy and use of the waters and lands shall terminate; and thereupon from and after such expiry, or from and after such subsequent date, as the case may be, all the said rights shall absolutely cease and terminate without further proceeding.

*Compensation for Works and Lands*

28. (1) Upon the expiry of the final licence or upon the expiry of the time fixed in the notice of termination, as the case may be, the power development shall become the property of the Crown and the Minister, or such person as he may designate in that behalf, may immediately and without further proceeding enter upon, possess, occupy, operate and control the same.

(2) The Minister shall compute the compensation for the power development on the basis of the figure previously fixed in accordance with section 19 as the actual cost of the development, adjust this figure so as to make allowance for any variation in the purchasing power of the dollar as shown by the official trade index or other official statistics most applicable to the case, and deduct an amount equivalent to the actual loss in value of the works due to their physical or functional depreciation or to other causes.

29. Where it is desired to take over works and lands which are outside the severance line but within the power system, the Minister,

(a) in determining the compensation to be paid for the said works shall first fix a sum which represents their physical value, considering either first cost, replacement cost or any other similar criteria which will enable him to arrive at the said physical value but he shall exclude good will, going concern, franchise value, severance damages and any intangible elements of a like nature, and to such amount he may add a further amount not exceeding ten per centum thereof for the purpose of covering such severance damages as is deemed just;

(b) in determining the compensation to be paid for the said lands shall first take as the basis of such compensation the amount previously established as their actual cost in accordance with section 19, shall make an allowance for the variation in the purchasing power of the dollar and in his discretion may add to the result so determined a bonus not exceeding ten per centum to cover such severance and other intangible values as is deemed proper to allow under the circumstances.

*Rentals for the Use of Water*

30. (1) Rental for water used in the production of power is payable annually in arrears, commencing with the date of initial production of power from the development, or from the date fixed in the original interim

**Dominion Water Power Act—continued**

licence for the completion of the initial development if power has not been produced prior to such date, whether the initial development has been completed or not and notwithstanding any extensions of time granted.

(2) On or before the first day of March in each year, every licensee shall submit a report to the Director in respect of his use during the previous calendar year of water for the production of power, and the Director shall determine the rental payable for such use and shall demand payment of such rental from the licensee.

(3) If a rental is not paid within sixty days from the date of demand, ten per centum of the amount of such rental shall be added thereto and the total amount shall bear interest compounded annually at eight per centum from the day of expiry of the sixty-day period.

(4) The rental, together with the ten per centum added by way of penalty and interest, shall be the first lien or charge upon the water-power development, property assets, rents and revenues of the licensee, and the production of a written statement by the Minister of the sums so payable shall be *prima facie* evidence of such debt.

(5) Where any rental remains unpaid for more than one year after demand by the Director, the rental shall again be demanded and, if not paid within sixty days after such demand, the Minister may take such action as he deems necessary.

(6) The acceptance of rental in any case shall not be, or be deemed to be, a waiver of any of the terms or conditions which have been accepted by the licensee.

(7) Subject to subsection (12) the annual rental in the twenty-year period immediately following the date fixed for the completion of the initial development shall be the greater of the two amounts determined as follows:

- (a) an amount based upon the horsepower capacity of the initial development as fixed in the interim licence and computed at the rate fixed in the interim licence for the use of water during the life of the interim licence;
- (b) an amount based upon the horsepower-year of electrical output and the annual load factor and at a rate not less than the following:
  - (i) where the annual load factor is less than 40 per cent the minimum rate shall be one dollar and thirty cents per h.p.-year,
  - (ii) where the annual load factor lies between—
 

40 per cent and	50 per cent—\$1.25 per h.p.-year
50 per cent and	60 per cent—\$1.20 per h.p.-year
60 per cent and	70 per cent—\$1.15 per h.p.-year
70 per cent and	80 per cent—\$1.10 per h.p.-year
80 per cent and	90 per cent—\$1.05 per h.p.-year
90 per cent and	100 per cent—\$1.00 per h.p.-year

(8) For the purposes of this section,

- (a) the output shall be taken as the total horsepower-years developed during the year on the turbine shaft;
- (b) the annual load factor shall be taken as the ratio of the average load to the maximum load;



**Dominion Water Power Act—continued**

(c) the maximum load shall be taken as the highest rate of output carried by the plant during the year under normal operating conditions for a period of twenty minutes;

(d) the annual load factor in the case of electrical plants shall be calculated thus:

$$\frac{\text{Total kilowatt-hours generated per annum} \times 100}{\text{Maximum load of the year in kilowatts} \times 8760} = \frac{\text{per cent}}{\text{load factor}};$$

(e) in the case of plants other than electrical, the annual load factor shall be calculated by substituting horsepower-years and horsepower for kilowatt-hours and kilowatts in the above formula.

(9) For the purposes of these regulations, one horsepower-year shall be taken as the equivalent of 6,535 kilowatt-hours; and the output at the turbine shaft shall be assumed to be the equivalent of 107½ per cent of the output as recorded at the generator switchboard.

(10) The output and the annual load factor shall be as determined by the Director, who for this purpose may use any available data, such as switchboard records in the case of electrical plants.

(11) Every licensee generating electrical energy, unless exempted by the Director in writing, shall install an approved recording wattmeter and shall preserve and produce for inspection all records made by such wattmeter.

(12) The annual rental for water used in the production of power in the Northwest Territories or Yukon Territory is seventy-five per cent of the annual rental as computed in subsections (1) to (11) inclusive.

*Revision of Rentals after Twenty Years*

31. (1) Upon the expiry of the first twenty-year period and every ten years thereafter, the annual rental shall be subject to revision.

(2) Six months prior to the termination of any ten-year period, where either the Minister or licensee deems a revision of the rate of the annual rental per horsepower-year advisable, he may notify the other party to that effect, whereupon both parties shall endeavour to reach an agreement upon the rate for the succeeding ten-year period.

(3) When agreement is not reached within ninety days after the receipt of such notification, the Minister may refer the matter to such board, commission or authority as may be created or designated by the Governor in Council for the purpose of considering such matter and reviewing the rentals.

(4) Such board, commission or authority in recommending the rentals to be charged, shall take into consideration the earning capacity of the plant, the supply of power available therefrom and from any other sources in the district, the average selling price of the same and any special conditions or circumstances affecting the plant.

(5) The rental for each year of such ten-year period shall be based on the actual station output for such year in horsepower-years at the turbine shaft as estimated by the Director and in the case of electrical plants the Director may use switchboard records or any other available data.

**Dominion Water Power Act—continued**

(6) Where a licensee is engaged in the sale of power, an upward revision of the rate of the rental per horsepower-year may be made only if such upward revision shall not make it impossible for such licensee to earn a fair rate of return on the actual cost of the physical properties used and useful in connection with the understaking, plus due provision for the amortization of such costs including interest, as may be necessary and legitimate for promoting and organizing the enterprise and for providing capital otherwise than as included in the actual cost.

(7) The costs that are to be amortized shall be fixed in the same manner and at the same time as the actual cost as set out in section 19.

(8) The fair rate of return referred to in subsection (6) shall be considered as being cumulative from the date upon which the licensee first began the sale of power from the initial development.

*Regulation of Public Utilities*

32. (1) Where a board or commission is designated, under the authority of the Dominion Water Power Act, to regulate in a particular area the rates charged for electrical energy by licensees engaged in the sale, barter or exchange of hydro-electric energy, every such licensee shall immediately submit the schedule of rates under which he is then operating to such board or commission for adjustment and approval, and before putting into effect any new schedule of rates and prices to be charged to consumers for power, shall submit the same for adjustment and approval, and no rates or prices for power shall be legal or enforceable until so submitted.

(2) Such board or commission may, on the complaint of any affected party or on its own initiative, require the submission or the resubmission at any time of existing schedules of rates and prices for adjustment and approval, but the rates and prices, when once adjusted or approved in accordance with this section, shall thereafter not be again revised within a period of five years, except by mutual consent of the revising authority and the licensee, and the rates charged by any licensee shall not be reduced under this section so as to make it impossible for such licensee to earn a cumulative fair rate of return in accordance with the provisions of subsections (6), (7) and (8) of section 31.

(3) Every such licensee shall abide by and comply with such reasonable regulation and control of the service rendered and to be rendered by him to consumers of power furnished or transmitted in virtue of his licence as may be prescribed from time to time by such board or commission, and shall also abide by and comply with any orders of such board or commission with respect to stock and bond issues.

(4) Such board or commission may

(a) ascertain and determine from time to time and by order fix the proper and adequate rates of depreciation on the several classes of property used or useful in connection with the undertaking of any such licensee, and the licensee shall set aside out of earnings and place in separately invested depreciation reserves such amounts as will conform to the rates so ascertained, determined and fixed; and

(b) specify the purpose for which and the manner in which such reserves and the income arising from the investment thereof are to be expended.

**Dominion Water Power Act—continued**

(5) Until such commission or board is designated to act in any particular area, the powers of regulation and control set out in this section may be exercised by the Minister.

*Limited Rights in Lands*

33. (1) Every licence shall be valid or effective to authorize the entry upon or use or occupation of any public lands only in such manner and to such extent and for such length of time as may be necessary for the purpose of constructing, maintaining and operating the works authorized to be constructed, maintained and operated under such licence.

(2) Where, in the opinion of the Minister, continued or further entry upon or the use or occupation of such lands in whole or in part for the said purposes becomes unnecessary, because of their non-use or abandonment or for any other reason, the Minister shall give the licensee written notice of the contemplated withdrawal of such lands and his reasons therefor, and such lands may thereupon be withdrawn in whole or in part from the operation of the licence.

34. (1) Public lands required only for the purpose of flooding the same, whether in connection with a storage reservoir or for regulating the flow of a stream or otherwise, shall be set out in the interim or final licence separately from the lands required for other purposes, and no licence shall be valid to convey any further use of such lands than the right of flooding the same in such manner and to such extent and at such times as may be required for the purposes of the undertaking.

(2) Where, in the opinion of the Minister, the rights of the licensee are not prejudicially interfered thereby, every grant of a right to flood public lands in connection with any undertaking is subject to the right of Her Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the said lands.

(3) Every licensee shall, to the satisfaction of the Minister, clear and keep clear from timber, brush and other material, all lands which are to be flooded.

(4) Such flooded lands shall not be fenced or otherwise enclosed except with the consent of the Minister in writing.

35. (1) Lands forming part of the bed of any stream, the use or occupation of which is required for the site of works authorized, or for the construction or the operation thereof, shall be set out in a licence separately from lands required for other purposes, and no licence conveys any exclusive right in or to the use or occupancy of such land, or any further right than may be required from time to time for the actual construction and operation of the works.

(2) Every grant of a right to use or occupy any public lands forming part of the bed of any stream is subject to the right of Her Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the said lands, but

- (a) the rights of the licensee shall not be prejudicially interfered with by any such grant; and
- (b) the Minister shall give the licensee notice of his intention to grant such additional liberty or privilege, and an opportunity of being heard.



**Dominion Water Power Act—continued**

36. (1) When a narrow strip only of public lands is required solely for the rights of way for transmission lines, for water conduits or for similar purposes, and the lands are located within the agreed upon severance line, they shall be set out in the licence separately from lands required for other purposes, and the licensee shall not acquire under any licence any rights to the use or occupation of any such lands further than, in the opinion of the Minister, are required from time to time for the purpose of constructing, maintaining and operating such transmission lines or water conduits or for otherwise carrying out the purposes specified in the licence, and every such right is subject to the right of Her Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the lands; but the rights of the licensee shall not be prejudicially interfered with by any such subsequent grant, and the Minister shall give the licensee notice of his intention to make such grant and an opportunity of being heard.

(2) When the said narrow strip is located outside the severance line agreed upon, the lands may be granted to the licensee by licence of occupation or in such fee as the Minister may determine but, where the undertaking or works of the licensee are taken over in pursuance of these regulations or of the Dominion Water Power Act, the licensee is not entitled to receive an amount of compensation for the said rights of way greater than the amount that would be established in accordance with the provisions of paragraph (b) of section 29.

*Care of Lands*

37. (1) A licensee shall at all times maintain the lands, works and property held or used by him in respect of his licence in a manner satisfactory to the Director, including the maintaining of all flooded or other areas in a sanitary condition and including the improvement of the lands occupied from the point of view of landscape architecture, and shall do all in his power to protect the lands and the interest of the Crown therein against injury by any one engaged on or about his works, or by any person whomsoever.

(2) Every interim or final licensee shall do everything reasonable within his power, both independently and on request by the Director, to prevent and suppress fires on or near the lands to be occupied under his licence.

(3) For the purpose of limiting the spread of fires or for other reasonable purposes, every licensee shall clear and keep clear the public lands along his transmission lines for such width and in such manner as the Director may require.

(4) Every licensee shall, to the satisfaction of the Director, dispose of all brush, refuse or unused timber on public lands resulting from the construction and maintenance of the works, and shall keep the lands covered by his licence at all times clear of unnecessary combustible material.

38. The Minister, the Director, or any person authorized by either may, at all reasonable times during the continuance of any licence, enter upon the public lands covered by such licence to examine the condition thereof.

39. Every licensee shall protect all telephone, telegraph and power transmission lines in existence prior to the construction of his own lines, where crossed by or in close proximity thereto, to the satisfaction of the

**Dominion Water Power Act—continued**

Director or competent provincial authority, if any, and shall operate, maintain and render safe to the public his own transmission, telephone and other lines to the satisfaction of the Director or the said authority, if any.

40. (1) Subject to subsection (2), the interim or final licensee shall not erect any buildings or structures upon any public lands without first submitting plans thereof to the Director and securing his approval for such building or structure and the site thereof.

(2) Any temporary buildings or structures required in cases of emergency to facilitate the work of construction and erected without permission shall be entirely removed to the satisfaction of the Director as soon as the necessity ceases or within one month of receiving written notice from the Director.

41. No roads, trails, telephone lines, buildings or other improvements, the property of the Crown in right of Canada shall be removed, altered or in any way affected by a licensee in the construction or operation of his works without the Minister's consent in writing having been first obtained, and except upon such conditions as the Minister by such writing may impose, and the Minister, if he deems it necessary, may require the licensee to furnish a bond for the satisfactory carrying out of the provisions of this section.

42. Any lands desired by a licensee for subdivision for townsite or other purposes shall be set out in the application and licence separately from lands required for other purposes connected with the undertaking, and the promotion of any such townsite is subject to the approval of the Minister and to such conditions with respect to town-planning, landscape architecture and sanitation as the Minister may impose.

43. Every interim or final licensee shall pay such sums by way of stumpage and royalty for any merchantable timber cut or removed from any public lands as may be fixed by the regulations governing the granting of yearly licences and permits to cut timber on the said lands.

44.(1) A licensee shall

- (a) install and use first-class, modern, standard works, plant, and equipment, giving consideration to requisite suitability of design, safety, strength, durability, efficiency and all other relevant factors;
- (b) maintain the same in good repair and condition; and
- (c) exercise all due skill and diligence to secure the satisfactory operation thereof.

(2) The Minister may give the licensee written instructions concerning the carrying out of the provisions of subsection (1).

45 (1) The Minister, the Director, or any person appointed by either for the purpose, shall have free access to all parts of the works, lands and properties of the licensee and to all books, plans, records or accounts used in connection with or affecting any licence or undertaking, and may from time to time make measurements and observations and take such other steps for carrying out any inquiry that may be considered necessary or expedient in the administration of these regulations.

(2) The decision of the Director in respect of the quantity of water diverted, used or stored, or capable of being diverted, used or stored, or the amount of power developed or capable of being developed under the authority of any licence, is conclusive and binding upon the licensee.

**Dominion Water Power Act—continued**

46. A licensee, before making any material change in any existing works or in their location, shall submit a complete and satisfactory statement and plans of such proposed change to the Director, and shall not proceed to make the same until the proposed change has been authorized.

47. The Director may require any licensee to install and maintain in good operating condition at such places and in such manner as the Director shall approve, accurate meters, measuring weirs, gauges or other approved devices which shall be adequate for determining the amount of water used or power developed in the operation of the works, for determining the flow of the stream or streams from which water is or will be diverted, and for determining the amount of water held in or drawn from storage, and the licensee shall keep accurate and satisfactory records of the foregoing determinations and shall from time to time make such returns, supported if necessary by statutory declaration, as the Director may require.

48. Where, in the opinion of the Minister, a licensee has not developed the amount of power for which there is a public demand and which could be reasonably developed from the flow of water granted under his licence or controlled by him, the Minister may order such licensee to develop and render available for public use the additional amount of power for which there is, in his opinion, a public demand, up to the full extent possible from the amount of water granted under such licence or controlled by such licensee and within a period to be fixed by the Minister, which period shall be not less than two years after such licensee or the person in charge of the existing works is notified of such order.

*Securing Enlarged Development*

49. (1) Where, in the opinion of the Minister, it appears to be feasible to establish an enlarged or more comprehensive development of the water power in any stream at or near the site occupied by a licensee which will supersede the existing development of the licensee, the Minister may hold a hearing thereon.

(2) The licensee and all other interested parties shall be given not less than sixty days' notice of such hearing, and an opportunity of being heard.

(3) Where the Minister considers such enlarged or more comprehensive development to be in the public interest, he may offer such licensee a new interim licence for the carrying out of such enlarged or more comprehensive development.

(4) Such licence shall in every case be subject to the regulations then in force, but in granting the same due consideration shall be given to the existing net earnings of the licensee and to the net earnings likely to be derived from the enlarged or more comprehensive development.

(5) Where, within twelve months after such offer of a licence is made, the licensee fails to accept the same and in good faith to begin and carry on to completion such new development, the Minister, subject to approval by the Governor in Council, may order the existing licence terminated.

(6) Upon such order of termination being given, the respective rights of Her Majesty and the licensee in the lands, works and properties connected with the undertaking are the same as in the case where the works and properties of the licensee are taken over upon the expiry of the term as set out in section 28; except that the Minister, in determining the compensation to be paid to the licensee may add such bonus or additional bonus to the amount payable according to the said section 28, as will in the opinion of the



**Dominion Water Power Act—continued**

Minister, be proper under the particular circumstances of the case, not to exceed, however, three-fourths of one per centum of the amount payable as aforesaid for each full year of the unexpired term of the licence, nor to be less than five per centum of such amount.

(7) Where more than one existing plant or site is affected by the enlarged or more comprehensive development, the Minister may receive proposals from all the licensees or occupants of the said sites for carrying out the proposed new development and to offer to each in turn, selecting first that one whose proposal appears to be most in the public interest, or to all conjointly, an interim licence, subject to the regulations then in force, for the carrying out of the proposed new development.

(8) Where such new licence is granted, the existing licences shall be terminated in the same manner and having the same effect, and providing for compensation to the same extent as in the case where the rights of only one existing licensee are affected as set out in subsection (6).

(9) Where, within the time specified, each of the licensees mentioned in subsection (7) in turn fails to accept the offer of a new licence and to begin and to carry on to completion the proposed new works, the Minister, subject to approval by the Governor in Council, may order all the licences terminated in the same manner and having the same effect, and providing for compensation to the same extent as set out in subsection (6).

*Change in Undertaking*

50. Where a licensee desires to develop, sell, use or dispose of any greater quantity of power than is authorized by his licence, whether such increased disposal of power does or does not necessitate any addition to or alteration in the works, or desires to use or dispose of any power in connection with his undertaking in a manner or for a purpose other than as provided in the licence, he shall first apply to the Minister for an interim licence authorizing the construction of the works or for a final licence authorizing such additional development, sale, use or disposal or authorizing such use or disposal in such other manner or for such other purpose, as the case may be, and the granting of the licence and the use or disposal of the additional water power shall in every case be subject to all the provisions of the regulations from time to time in force.

*Sale of Power*

51. In districts where there is no existing authority or competent jurisdiction to regulate and control transmission or distribution companies, no sale or delivery of power shall be made by any licensee to any such company except in case of emergency and then not for more than sixty days without the written consent of the Minister, unless such company has undertaken to the satisfaction of the Minister, to comply with the terms of these regulations and of the licence to the same extent as the licensee would have been obliged to comply therewith, in so far as the use or disposal of such power is concerned.

52. Every licensee whose undertaking involves the sale, barter or exchange of the power authorized to be developed under his licence, when so requested by the Minister, shall sell power to the Crown at as low a price as is given to any other consumer for a like use at the same time and under similar conditions, if such request is within the capacity of the said site and that the rights of any other consumer then holding a binding contract for the delivery of power are not thereby prejudiced.

**Dominion Water Power Act—continued**

53. The Minister with the approval of the Governor in Council may authorize a licensee whose undertaking embraces the sale of energy or power to enter into contracts for the sale and delivery of such energy or power for periods extending beyond the term of the licence, but for not more than ten years thereafter, and in such case, the licence will not be terminated at the end of the term as herein before set out unless the new licensee or some competent authority acting for or at the request of the Government of Canada has assumed to fulfil all such contracts so approved.

*Stream Regulation and Control*

54. Every licence is deemed to have been executed on the express condition that the licensee shall,

- (a) divert, use or store the water authorized to be diverted, used or stored by him in such a manner as not to interfere, in the opinion of the Minister, with the maximum advantageous development of the power and other resources of the river or stream upon which his works are located;
- (b) conform to and comply with any orders in respect of the control or regulation of the flow of the waters of such river or stream made from time to time by the Minister or by any person authorized by the Minister in that behalf; and
- (c) at no time cause or permit the surface level of the waters of such river or stream or of any storage reservoir operated by him to be raised or lowered beyond the limits which are fixed from time to time by the Minister or by a person authorized by the Minister in that behalf.

*Pro-Rating of Capital Cost of Works*

55. (1) In this and in sections 57 and 58

- (a) "capital cost" of any regulating or storage works undertaken under this section means "actual cost", and
- (b) "annual outlay" means all yearly maintenance, operation, and depreciation costs, and necessary amortization costs other than instalments of the capital cost, incurred in respect of such regulating or storage works together with interest on the capital cost.

(2) Where regulating or storage works are undertaken upon any stream by the Government of Canada or by any commission, board, company or person upon the authority of the Government for the control or augmentation of the flow of such stream for water-power or other purposes, the capital cost of such works or any part thereof may be assessed by the Minister upon the owners or licensees of all the water-power sites in the stream, whether such sites are fully developed, partially developed or entirely undeveloped.

(3) Such assessments shall be determined according to the relative benefits which, in the opinion of the Minister, are or will be derived by such respective owners or licensees from the regulated or increased flow, and may also be charged against owners of water privileges under provincial jurisdiction in accordance with the provisions of section 56.

(4) The capital cost, so assessed, may be made payable in annual instalments, extending over such period of years, and in such respective amounts for any stated years, as the Minister may determine; and the

**Dominion Water Power Act—continued**

Minister may provide, if any such water-power sites are undeveloped or have not commenced to be operated at the time when the regulating or storage works are undertaken, that the commencement of payment of the annual instalments may in such cases be deferred until development and operation take place, or until such time has elapsed thereafter as the Minister may deem suitable.

(5) The total annual outlay in respect of works undertaken under this section shall be a charge upon such of the water-power developments on the stream as are in a position to utilize the regulated or increased flow in whole or in part, and shall be apportioned among them in proportion to the respective benefits estimated as accruing from time to time to the said developments from such regulated or increased flow.

(6) A due proportion of the annual outlay may also be charged against owners of water privileges under provincial jurisdiction in accordance with the provisions of section 56.

(7) A schedule of the proportion of such annual outlay to be debited against the respective water-power developments shall be prepared from time to time at the direction of the Minister, and shall remain in effect for a period of not less than three years.

(8) In fixing the respective proportions, for any period of years, the use made by the licensee for the period immediately preceding may be taken into consideration.

(9) Such schedule of proportions may be revised at any time with the consent of all the licensees affected.

(10) A water-power development that has come into operation or the utilization of the stream-flow of which has been substantially increased within the period during which such schedule is effective may, at the discretion of the Minister, be debited with its proportionate share of the annual outlay from the time of the commencement of such operation, in which case the proportion charged upon each of the existing developments shall be correspondingly reduced.

(11) In addition to paying the assessments of capital cost and the annual charges as provided for in this section, every licensee may be required to pay for the additional flowage created by any such works and used by such licensee such rental as the Minister may determine, subject to the provisions of these regulations which are applicable to rentals for the development and use of water power.

*Co-operative Agreements with Province*

56. (1) The Minister may enter into co-operative agreements with the authorities of any province for the purpose of providing that owners of water privileges under provincial jurisdiction shall bear a due share in the cost of any storage and regulating works undertaken under section 55, and of any annual charges arising out of the construction of such works, and in respect of rentals for the additional flowage created.

(2) Subject to the assent and co-operation of the proper provincial authorities where required, the Minister, subject to approval by the Governor in Council, may specify the conditions under which owners of irrigation, logging, navigation, or other interests upon the stream that are benefited by such regulating or storage works shall be required to share with the water-power interests the cost and charges arising under this section.



**Dominion Water Power Act—continued***Appraisals*

57. (1) Where the Minister deems it advisable and at any time during the life of a licence, he may cause a reappraisal of the value of the lands, works and properties held by a licensee in respect of his undertaking.

(2) The basis for the reappraisal is the actual cost of the said properties determined as set out in section 19 consideration being given to any extensions or permanent improvements made in the properties in the period that may have elapsed subsequent to the time of such original construction or subsequent to the last previous appraisal, as the case may be, and also to the loss in value, if any, in the said properties due to physical or functional depreciation or otherwise, as well as to the variation in the purchasing power of the dollar.

(3) In the case of any undertaking established under regulations made under any Act of the Parliament of Canada, the Minister, after conferring with the owner of the undertaking and with the authority, if any, having jurisdiction over the regulation and control of public utilities in the district in which the undertaking is situated, may modify the basis on which the appraisal is to be made.

(4) In any valuation of the lands, works and properties held by the licensee in connection with his licence, no value shall be given or claimed for the rights and privileges granted by his licence over and above the sums, if any, actually paid to the government for such rights and privileges, but not including in any case guarantee deposits paid during the interim licence period nor any rentals or annual charges accruing during the final licence period.

*Accounting*

58. (1) Unless exempted in writing by the Minister from compliance with this section, every licensee shall keep a true and detailed account of all expenditures made in respect of the works, lands and properties and shall file annually with the Director on or before the first day of March a return for the year ending the 31st day of December preceding, based on the said account and being an accurate summary thereof, such return to be attested by the oath of the licensee or in the case of a company by its president and secretary.

(2) In such annual return the following items shall be separately shown,

(a) respecting the works,

(i) the actual cost thereof, giving separately each class of expenditures as indicated in the definition of "actual cost" in section 2,

(ii) amounts expended in that year for enlargements and permanent improvements authorized by the Minister, and

(iii) depreciation in value from any and all causes for that year;

(b) respecting lands, tenements and appurtenances not included in paragraph (a), a statement setting out, in each case, the actual cost thereof in accordance with section 19;

(c) respecting capital stock,

(i) the amount authorized and the number of shares into which it is divided,

(ii) the number of shares subscribed for and allotted, the number of shares forfeited to date, and the owners, for the time being, of all outstanding shares,

**Dominion Water Power Act—continued**

- (iii) the amount of calls made on each share, and the total amount received from shareholders in cash on account of stock,
  - (iv) the number of shares, if any, issued as fully paid-up shares as consideration for any service rendered or otherwise, specifying in each case the consideration for which such shares were issued, and
  - (v) the amounts of dividends declared and paid;
  - (d) respecting bonds or debentures,
    - (i) the amount authorized, and the period of redemption,
    - (ii) the amount sold (face value) and the rate of interest,
    - (iii) the amount realized from sales, and
    - (iv) the annual amount set aside as a sinking fund to meet bonded indebtedness, and the date of commencement;
  - (e) the indebtedness other than stock and bonds, specifying the nature and amounts, and the rate of interest such indebtedness bears;
  - (f) a statement showing the total revenues of the undertaking, specifying the amount received from each and every source;
  - (g) maintenance and operation expenditures, separating those expenditures that are incurred at or near the works from head-office and expenditures relating to general administration;
  - (h) the names of officers and the classification of employees with salaries, expenses or other remuneration paid or allowed;
  - (i) the proposed extensions during ensuing years; and
  - (j) such other data as the Minister may require.
- (3) If a company, such annual return shall have attached thereto a copy of the by-laws of the company, showing all amendments thereto during the year covered by the return.
- (4) In respect of the classification of items under one or another of the above heads, the methods of allowing for depreciation, and the form in which the accounts shall be kept, the Minister's decision is final.

*Transfers*

59. (1) Before any assignment or transfer of any licence or of the rights and privileges thereby granted or of the undertaking connected therewith or of any part thereof becomes valid or effective, the Minister's approval in writing shall be obtained, and such assignment or transfer is subject to such terms and conditions as the Minister may impose.
- (2) When applying for approval, the licensee shall in every case file with the Minister a full and detailed statement of the compensation which it is proposed shall be paid to him for the rights, privileges and properties transferred in respect of the undertaking.
- (3) The Minister shall not grant such approval unless
- (a) it is shown to his satisfaction that such assignment or transfer is expedient in the public interest;
  - (b) no remuneration is to be allowed to the assignor or transferor for the rights and privileges conferred under the licence over and above the sums, if any, actually paid to the Crown for such rights and privileges, but not including in any case guarantee deposits paid during the interim licence period nor any rentals nor annual charges accruing during the final licence period; and

**Dominion Water Power Act—continued**

- (c) the assignee or transferee has undertaken in a manner satisfactory to the Minister to assume all the obligations of the assignor or transferor and the additional obligations prescribed by the Minister in the said written approval.

60. (1) No lien may be created by mortgage or trust deed upon any power undertaking established in respect of any licence unless approved by the Minister and for the *bona fide* purpose of financing the undertaking.

(2) Any successor or assign of the rights held in respect of such licence, whether by judicial sale, foreclosure sale or otherwise is subject to all the conditions of the licence, and to all the provisions and conditions of these regulations to the same extent as though such successor or assign were the original licensee.

61. Lands inside the severance line used or occupied for the purposes of the undertaking shall not be alienated, sold or disposed of by the licensee without the consent of the Minister, and subject to such terms as the Minister may prescribe for the protection of the undertaking.

62. Whenever notice of termination or cancellation has been given to a licensee in pursuance of these regulations, no lands whatsoever, whether inside or outside the severance line, used or occupied for the purposes of the undertaking shall thereafter be alienated, sold or disposed of without the consent of the Minister and subject to such terms as he may prescribe.

*Acceptance of Terms of Licence*

63. (1) Before issuing a licence, the Minister shall submit to the prospective licensee a draft of the proposed licence, and shall secure from such licensee an acceptance thereof and an undertaking to observe and fulfil all the terms and conditions which under such licence and under these regulations such licensee is required to observe or fulfil, with particular reference to the right of Her Majesty to take over the works, lands and properties held by the licensee in connection with his licence in certain contingencies as in these regulations provided.

(2) Such acceptance and undertaking shall bind the executors, administrators and assigns, or in the case of a company the successors and assigns of the prospective licensee.

64. (1) Any notice which is required to be given or served, or which the Minister may desire to give or serve upon any person in respect of these regulations, shall be considered to have been validly given or served when mailed by registered mail to such person addressed to his last-known address or when delivered by hand to the said address.

(2) A notice sent by post shall be deemed to be given when in due course of postal operations it would be delivered at the address to which it was sent.

65. The licensee shall indemnify Her Majesty in right of Canada against all actions, claims or demands arising against Her by reason of anything done by him in the exercise or purported exercise of the rights and privileges granted under the licence.

66. (1) Where applications are made therefor, the Minister may grant conditional leases or licences for the temporary use and occupation for other purposes of lands which have been reserved by the Governor in



**Dominion Water Power Act—continued**

Council for water-power development, where, in the Minister's opinion, such lands will not be utilized for a number of years in connection with such water-power development and the granting of temporary leases or licences of occupation does not interfere with the purposes of such reservation.

(2) Every such conditional lease or licence is deemed to include provisions to the effect that, when such lands are required in connection with such water power and upon giving the conditional leasee or licensee not less than six months' notice of cancellation in writing under his hand, the Minister may cancel such lease or licence, and terminate the rights thereby conferred, and repossess himself on behalf of Her Majesty of the said lands and all improvements thereon without any compensation whatever being paid to such conditional licensee or lessee.

67. Notwithstanding any rights granted or approval given by any licence, every licensee shall

- (a) comply fully with the provisions of the Navigable Waters Protection Act and any regulations and orders made thereunder;
- (b) comply fully with the provisions of any provincial or federal statute or regulation governing the preservation of the purity of waters or governing logging, forestry, fishing or other interests present or future which might be affected by any operations conducted under his licence; and
- (c) observe and carry out any instructions of the Minister in respect of any of the foregoing matters not inconsistent with the said statutes and regulations.

68. Any machinery, plant, structure or works constructed, installed, or placed on any public lands for the development of any water power or for the transmission, distribution or utilization of the energy produced from such water power, in contravention of these regulations or of the Dominion Water Power Act, shall be removed if and when required by the Minister.

*Small Water Powers*

69. (1) For the purpose of this section a "small water power" means a water power which, in the opinion of the Director,

- (a) cannot under average usable flow conditions produce in excess of five hundred horse-power; and
- (b) is not of primary importance for commercial or public utility purposes.

(2) An application for a licence for the development of a small water power may be made to the Director and shall contain the information as specified in section 3, but the Director may exempt the applicant from supplying such of the information as, in the opinion of the Director, is not of importance because of the small size of the proposed development.

(3) The Minister may exempt the applicant for the development of a small water power from complying with such provisions of these regulations as, in the opinion of the Minister, need not be enforced because of the small size of the proposed development and the Minister may issue to the applicant a special licence subject to the following,

- (a) the term of a licence shall not exceed twenty years and the term of each renewal shall not exceed five years;

**Dominion Water Power Act—concluded**

- (b) an application for renewal of a licence shall follow the procedure in force at the time such application is made, and the renewal the licence shall be subject to the laws and regulations in force at the time such licence is issued;
- (c) upon the expiry of a licence or any renewal thereof, if the licensee either has not applied for or has failed to secure a renewal of the licence, the water-power development and all works and structures connected therewith and located on public lands shall become the property of the Crown without compensation to the licensee, but the licensee may remove from public lands, within such period as is approved by the Director, all works and structures erected or installed by the licensee in connection with such power development which, with the consent of the Director, may be removed without damage to the said lands;
- (d) the Minister, upon giving the licensee one year's notice, may at any time cancel a licence granted under this section, and resume full possession and control of the water-power development and of all works, lands and structures connected therewith or, at the option of the Minister, of such part of such works and structures as are situate upon public lands; and
- (e) compensation, in such case, for the works, lands and structures to be taken over, to the amount of the actual cost thereof, determined in accordance with the provisions of section 19 and of subsection (2) of section 28, together with such percentage added to such amount by way of bonus, not greater than fifteen per centum nor less than three per centum of such amount shall be fixed by the Minister.

**DRY DOCKS SUBSIDIES ACT. (R.S.C., 1952, c. 91)**

Section 18 of the *Dry Docks Subsidies Act* provides that no tolls or rates shall be charged or taken by a company (operating a dry dock constructed under the Act) in respect of the letting or hiring, operation or use of the dock, or of space therein, or of any works connected therewith, until the company has submitted a tariff of such tolls or rates and the said tariff has been approved by the Governor in Council; and no by-laws, rules, regulations or conditions respecting such letting, hiring, operation or use, shall have any force or effect until so submitted and approved. Tariffs of tolls and regulations for the operation and use of the following dry docks have been approved by the Governor in Council. Copies of these tariffs of tolls and regulations may be obtained from the Secretary, Department of Public Works, Ottawa.

1. *Dry Docks Collingwood, Ontario*
2. *Prince Rupert Floating Dry Dock, Prince Rupert, British Columbia*
3. *Dry Dock at Courtenay Bay, Saint John, New Brunswick*
4. *Burrard Floating Dry Dock, North Vancouver, British Columbia*
5. *Dry Dock at Port Arthur, Ontario*
6. *Duke of Connaught Floating Dry Dock, Montreal, Quebec*













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